AMENDMENT TO H.R. 2419, AS REPORTED OFFERED BY MR. PETERSON OF MINNESOTA

(Consisting of Amendments to Titles IV and IX of the Reported Bill)

[NUTRITION TITLE]

After section 4004 of the bill, insert the following (and make such technical and conforming changes as may be appropriate):

1	SEC. 4005. EXCLUDING COMBAT RELATED PAY FROM
2	COUNTABLE INCOME.
3	Section (5)(d) of the Food Stamp Act of 1977 (7
4	U.S.C. 2014(d)) is amended—
5	(1) by striking "and (18)", and inserting
6	"(18)", and
7	(2) by inserting before the period at the end the
8	following: "and (19) any additional payment received
9	under Chapter 5 of title 37, United States Code, by
10	(or as an allotment to or transfer from) a member
11	of the United States Armed Forces deployed to a
12	designated combat zone for the duration of the
13	member's deployment to or service in a combat zone
14	if the additional pay was not received immediately
15	prior to serving in that or another combat zone.".

1	SEC. 4006. INCREASING THE STANDARD DEDUCTION.
2	Section (5)(e)(1) of the Food Stamp Act of 1977 (7
3	U.S.C. 2014(e)(1)) is amended—
4	(1) in subparagraph (A)(ii) by striking "not
5	less than \$134" and all that follows through the pe-
6	riod at the end, and inserting the following: "not
7	less than \$145, \$248, \$205, and \$128, respectively.
8	On October 1, 2008, and each October 1 thereafter,
9	such standard deduction shall be an amount that is
10	equal to the amount from the previous fiscal year
11	adjusted to the nearest lower dollar increment to re-
12	flect changes in the Consumer Price Index for All
13	Urban Consumers published by the Bureau of Labor
14	Statistics, for items other than food, for the 12
15	months ending the preceding June 30."; and
16	(2) in subparagraph (B)(ii) by striking "not
17	less than \$269." and inserting the following: "not
18	less than \$291. On October 1, 2008, and each Octo-
19	ber 1 thereafter, such standard deduction shall be
20	an amount that is equal to the amount of the pre-
21	vious fiscal year adjusted to the nearest dollar incre-
22	ment to reflect changes in the Consumer Price Index
23	for All Urban Consumers published by the Bureau
24	of Labor Statistics, for items other than food, for
25	the 12 months ending the preceding June 30.".

1	SEC. 4007. EXCLUDING DEPENDENT CARE EXPENSES.
2	Section (5)(e)(3)(A) of the Food Stamp Act of 1977
3	(7 U.S.C. 2014(e)(3)(A)) is amended by striking ", the
4	maximum allowable level of which shall be \$200 per month
5	for each dependent child under 2 years of age and \$175
6	per month for each other dependent,".
7	SEC. 4008. ADJUSTING COUNTABLE RESOURCES FOR IN-
8	FLATION.
9	Section (5)(g) of the Food Stamp Act of 1977 (7
10	U.S.C. 2014(g)) is amended—
11	(1) by striking "(g)(1) The Secretary" and in-
12	serting the following:
13	"(g) Allowable Financial Resources.—
14	"(1) TOTAL AMOUNT.—
15	"(A) IN GENERAL.—The Secretary".
16	(2) in subparagraph (A) (as so designated by
17	paragraph (1))—
18	(A) by inserting "(as adjusted in accord-
19	ance with subparagraph (B))" after "\$2,000";
20	and
21	(B) by inserting "(as adjusted in accord-
22	ance with subparagraph (B))" after "\$3,000";
23	and
24	(3) by adding at the end the following:
75	"(B) ADJUSTMENT FOR INFLATION —

1	"(i) In General.—Beginning on Oc-
2	tober 1, 2007, and each October 1 there-
3	after, the amounts in subparagraph (A)
4	shall be adjusted to the nearest \$100 in-
5	crement to reflect changes for the 12-
6	month period ending the preceding June in
7	the Consumer Price Index for All Urban
8	Consumers published by the Bureau of
9	Labor Statistics of the Department of
10	Labor.
11	"(ii) Requirement.—Each adjust-
12	ment under clause (i) shall be based on the
13	unrounded amount for the prior 12-month
14	period.".
15	SEC. 4009. EXCLUDING EDUCATION ACCOUNTS FROM
16	COUNTABLE INCOME.
17	Section (5)(g) of the Food Stamp Act of 1977 (7
8	U.S.C. 2014(g)) is amended by adding at the end the fol-
19	lowing:
20	"(7) EXCLUSION OF EDUCATION ACCOUNTS
21	FROM COUNTABLE RESOURCES.—
22	"(A) MANDATORY EXCLUSIONS.—The Sec-
23	retary shall exclude from financial resources
24	under this subsection the value of any funds in
25	a qualified tuition program described in section

1	529 of the Internal Revenue Code of 1986 or
2	in a Coverdell education savings account under
3	section 530 of that Code.
4	"(B) DISCRETIONARY EXCLUSIONS.—The
5	Secretary may also exclude from financial re-
6	sources under this subsection the value of any
7	program or account included in any successor
8	or similar provision that is enacted and deter-
9	mined to be exempt from taxation under the In-
10	ternal Revenue Code of 1986.".
11	SEC. 4010. EXCLUDING RETIREMENT ACCOUNTS FROM
12	COUNTABLE INCOME.
13	Section (5)(g) of the of the Food Stamp Act of 1977
14	(7 U.S.C. 2014(g)), as amended by section 4009, is
15	amended—
16	(1) in subsection (g)(2)(B)(v) by striking "or
17	retirement account (including an individual ac-
18	count)" and inserting "account"; and
19	(2) adding at the end the following:
20	"(8) Exclusion of retirement accounts
21	FROM COUNTABLE RESOURCES.—
22	"(A) MANDATORY EXCLUSIONS.—The Sec-
23	retary shall exclude from financial resources
24	under this subsection the value of any funds in
25	a plan, contract, or account as described in sec-

1	tion 401(a), 403(a), 403(b), 408, 408A, 457(b),
2	or 501(c)(18) of the Internal Revenue Code of
3	1986 and the value of funds in a Federal Thrift
4	Savings Plan account as provided section 8439
5	of title 5, United States Code.
6	"(B) DISCRETIONARY EXCLUSIONS.—
7	"(i) The Secretary may exclude from
8	financial resources under this subsection
9	any other retirement plans, contracts, or
10	accounts that have been determined to be
11	tax qualified retirement plans, contracts,
12	or accounts, under the Internal Revenue
13	Code of 1986.
14	"(ii) The Secretary may also exclude
15	from financial resources under this sub-
16	section the value of any program or ac-
17	count included in any successor or similar
18	provision that is enacted and determined to
19	be exempt from taxation under the Inter-
20	nal Revenue Code of 1986.".

After section 4006 of the bill, insert the following (and make such technical and conforming changes as may be appropriate):

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1	SEC. 4014. INCREASING THE MINIMUM BENEFIT.
2	Section 8(a) of the Food Stamp Act of 1977 (7
3	U.S.C. 2017(a)) is amended by striking "\$10 per month"
4	and inserting "10 percent of the thrifty food plan for a
5	household containing 1 member, as determined by the Sec-
6	retary under section 3(o)".
	Strike section 4021 of the bill, insert the following
(:	and make such technical and conforming changes as
n	nay be appropriate):
7	SEC. 4028. EMERGENCY FOOD ASSISTANCE PROGRAM.
8	Section 27(a) of the Food Stamp Act of 1977 (7
9	U.S.C. 2036(a)) is amended by—
10	(1) by striking "(a) Purchase of Commod-
11	ITIES" and all that follows through 2007' and in-
12	serting the following:
13	"(a) Purchase of Commodities.—
14	"(1) In general.—As provided in paragraph
15	(2), for each of the fiscal years 2008 through 2012";
16	(2) by striking "\$140,000,000 of"; and
17	(3) by adding at the end the following:
18	"(2) Amounts.—The following amounts are
19	made available to carry out this subsection:
20	"(A) for figaal year 2008 \$250,000,000.

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and

1	"(B) for each of the fiscal years 2009
2	through 2012, the dollar amount of commod-
3	ities specified in subparagraph (A) adjusted by
4	the percentage by which the thrifty food plan
5	has been adjusted under section 3(o)(4) be-
6	tween June 30, 2007 and June 30 of the imme-
7	diately preceding fiscal year.".

[ENERGY TITLE]

Section 9002 of the bill is amended by adding at the end the following new paragraph:

8	(3) by striking subsection (k)(2)(A) and insert-
9	ing the following:

"(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use \$2,000,000 for each of fiscal years 2008 through 2012 for bio-product testing and support ongoing operations of the Designation Program, the Voluntary Labeling Program, procurement program models, procurement research, promotion, education, and awareness of the BioPreferred Program."

Section 9003(3) of the bill is amended by striking "subsections (d) through (h) as subsections (e) through (i), respectively" and inserting "subsection (h) as sub-

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section (j) and subsections (d) through (g) as subsections (e) through (h), respectively,".

Section 9003 of the bill is amended by striking paragraph (5) and adding at the end the following new paragraphs:

- 1 (5) by inserting after subsection (h) the fol-
- 2 lowing new subsection:
- 3 "(i) CONDITION OF PROVISION OF ASSISTANCE.—As
- 4 a condition of receiving a grant or loan guarantee under
- 5 this section, the eligible entity shall ensure that all labor-
- 6 ers and mechanics employed by contractors or subcontrac-
- 7 tors in the performance of construction work financed in
- 8 whole or in part with the grant or loan guarantee, as the
- 9 case may be, shall be paid wages at rates not less than
- 10 those prevailing on similar construction in the locality, as
- 11 determined by the Secretary of Labor in accordance with
- 12 section 3141 through 3144, 3146, and 3147 of title 40,
- 13 United States Code. The Secretary of Labor shall have,
- 14 with respect to such labor standards, the authority and
- 15 functions set forth in Reorganization Plan Numbered 14
- 16 of 1950 (15 F. R. 3176; 64 Stat. 1267) and section 3145
- 17 of such title.";
- 18 (6) in subsection (j) (as so redesignated), by
- striking "2007" and inserting "2012"; and

1	(7) by adding at the end the following new sub-
2	section:
3	"(k) Additional Funding for Loan Guaran-
4	TEES.—Of the funds of the Commodity Credit Corpora-
5	tion, the Secretary shall use to carry out this section—
6	"(1) \$75,000,000 for fiscal year 2008;
7	"(2) \$100,000,000 for fiscal year 2009;
8	"(3) \$125,000,000 for fiscal year 2010;
9	" (4) \$200,000,000 for fiscal year 2011; and
10	"(5) \$300,000,000 for fiscal year 2012.".

Section 9005(5) of the bill is amended by striking "redesignating subsections (e) and (f) as subsections (g) and (h), respectively" and inserting "redesignating subsection (e) as subsection (g) and striking subsection (f)".

Section 9005 of the bill is amended by adding at the end the following new paragraph:

11 (7) by adding at the end the following new sub12 section:
13 "(h) FUNDING.—Of the funds of the Commodity
14 Credit Corporation, the Secretary of Agriculture shall
15 make available to carry out this section—
16 "(1) \$50,000,000 for fiscal year 2008;
17 "(2) \$75,000,000 for fiscal year 2009;
18 "(3) \$100,000,000 for fiscal year 2010;

1	"(4) $$125,000,000$ for fiscal year 2011; and
2	"(5) \$150,000,000 for fiscal year 2012.".

Section 9007 of the bill is amended by adding at the end the following new paragraph:

3	(3) by striking subsection (c) and inserting the
4	following:
5	"(c) Funding.—Of the funds of the Commodity
6	Credit Corporation, the Secretary of Agriculture shall use
7	to carry out this section—
8	"(1) \$225,000,000 for fiscal year 2008;
9	"(2) \$250,000,000 for fiscal year 2009;
10	"(3) \$275,000,000 for fiscal year 2010;
11	"(4) \$300,000,000 for fiscal year 2011; and
12	" (5) \$350,000,000 for fiscal year 2012.".

Section 9008(j) of the Farm Security and Rural Investment Act of 2002, as added by section 9006 of the bill, is amended to read as follows:

"(j) Funding.—

"(1) In General.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make available to carry out this section—

"(A) \$35,000,000 for fiscal year 2008;

"(B) \$60,000,000 for fiscal year 2009;

1	"(C) \$75,000,000 for fiscal year 2010;
2	"(D) $$100,000,000$ for fiscal year 2011;
3	and
4	"(E) $$150,000,000$ for fiscal year 2012.
5	"(2) Additional funding.—In addition to
6	amounts transferred under paragraph (1), there are
7	authorized to be appropriated to carry out this sec-
8	tion $$200,000,000$ for each of fiscal years 2006
9	through 2015.".

At the end of title IX of the bill, add the following new sections:

10 SEC. 9018. BIODIESEL FUEL EDUCATION PROGRAM.

- 11 Section 9004(d) of the Farm Security and Rural In-
- 12 vestment Act of 2002 (7 U.S.C. 8104(d)) is amended to
- 13 read as follows:
- 14 "(d) Funding.—Of the funds of the Commodity
- 15 Credit Corporation, the Secretary shall make available to
- 16 carry out this section \$2,000,000 for each of fiscal years
- 17 2008 through 2012.".
- 18 SEC. 9019. BIOMASS ENERGY RESERVE.
- 19 Title IX of the Farm Security and Rural Investment
- 20 Act of 2002 (7 U.S.C. 8101 et seq.) is amended by adding
- 21 at the end the following new section:

1	"SEC. 9017. BIOMASS ENERGY RESERVE.
2	"(a) Purpose.—The purpose of this section is to es-
3	tablish a biomass energy reserve—
4	"(1) to encourage production of dedicated en-
5	ergy crops in a sustainable manner that protects the
6	soil, air, water, and wildlife of the United States;
7	and
8	"(2) to provide financial and technical assist-
9	ance to owners and operators of eligible cropland to
10	produce dedicated energy crops and crop mixes of
11	suitable quality and in sufficient quantities to sup-
12	port and induce development and expansion of the
13	use of the crop for—
14	"(A) bioenergy;
15	"(B) power or heat generation to supple-
16	ment or replace nonbiobased energy sources; or
17	"(C) biobased products to supplement or
18	replace non biobased products;
19	"(3) to establish biomass energy reserve project
20	areas; and
21	"(4) to provide financial and technical assist-
22	ance to owners and operators for harvesting, storing,
23	and transporting cellulosic material.
24	"(b) Definitions.— In this section:
25	"(1) Beginning farmer or rancher.—The
26	term 'beginning farmer or rancher' has the meaning

1	given the term in section 343(a) of the Consolidated
2	Farm and Rural Development Act (7 U.S.C.
3	1991(a)).
4	"(2) BER.—The term 'BER' means the bio-
5	mass energy reserve established under this section.
6	"(3) BER PROJECT AREA.—The term 'BER
7	project area' means an area that—
8	"(A) has eligible cropland that—
9	"(i) is owned or operated by eligible
10	participants; and
11	"(ii) has specified boundaries that are
12	submitted to the Secretary by eligible par-
13	ticipants and subsequently approved by the
14	Secretary; and
15	"(B) is physically located within a 50-mile
16	radius of a bioenergy facility.
17	"(4) Conservation reserve program.—The
18	term 'conservation reserve program' means the con-
19	servation reserve program established under sub-
20	chapter B of chapter 1 of subtitle D of title XII of
21	the Food Security Act of 1985 (16 U.S.C. 3831 et
22	seq.).
23	"(5) CONTRACT ACREAGE.—The term 'contract
24	acreage' means eligible cropland that is covered by
25	a BER contract entered into with the Secretary.

1	"(6) ELIGIBLE APPLICANT.—The term 'eligible
2	applicant' means—
3	"(A) a collective group of owners and oper-
4	ators producing or proposing to produce eligible
5	dedicated energy crops;
6	"(B) an energy or agricultural company or
7	refinery; and
8	"(C) an Agricultural Innovation Center es-
9	tablished pursuant to section 6402 of the Farm
10	Security and Rural Investment Act of 2002
11	(Public Law 107-171; 116 Stat. 426; 7 U.S.C.
12	1621 note).
13	"(7) Eligible cropland.—
14	"(A) IN GENERAL.—The term 'eligible
15	cropland' means land that the applicable county
16	committee of the Farm Service Agency deter-
17	mines—
18	"(i) is currently being tilled for the
19	production of a crop for harvest; or
20	"(ii) is not currently being tilled but
21	has been tilled in a prior crop year and is
22	suitable for production of an eligible dedi-
23	cated energy crop.
24	"(B) Exclusions.—The term 'eligible
25	cropland' does not include—

1	"(i) Federally-owned land;
2	"(ii) land enrolled in—
3	"(I) the conservation reserve pro-
4	gram;
5	"(II) the grassland reserve pro-
6	gram; or
7	"(III) the wetlands reserve pro-
8	gram; and
9	"(iii) land with greater than 50 per-
10	cent cover of native nonwoody vegetation
11	or forest land, as of the date of enactment
12	of this section.
13	"(8) Eligible dedicated energy crop.—
14	"(A) IN GENERAL.—The term 'eligible
15	dedicated energy crop' means any crop native to
16	the United States, or another crop, as deter-
17	mined by the Secretary, grown specifically to
18	provide raw materials for—
19	"(i) conversion to liquid transpor-
20	tation fuels or chemicals through bio-
21	chemical or thermochemical processes; or
22	"(ii) energy generation through com-
23	bustion, pyrolysis, gasification, cofiring, or
24	other technologies, as determined by the
25	Secretary.

1	"(B) EXCLUSIONS.—The term 'eligible
2	dedicated energy crop' does not include—
3	"(i) any crop that is eligible for pay-
4	ments under title I or a successor title; or
5	"(ii) any plant that is invasive or nox-
6	ious or has the potential to become
7	invasive or noxious, as determined by the
8	Secretary, in consultation with other ap-
9	propriate Federal or State departments
10	and agencies.
11	"(9) Eligible participant.—The term 'eligi-
12	ble participant' means an owner or operator of con-
13	tract acreage that is physically located within a
14	BER project area .
15	"(10) FEDERALLY-OWNED LAND.—The term
16	'Federally-owned land' means land owned by
17	"(A) the Federal Government (including
18	any department, instrumentality, bureau, or
19	agency of the Federal Government); or
20	"(B) any corporation whose stock is wholly
21	owned by the Federal Government.
22	"(11) Forest land.—The term 'forest land'
23	means an ecosystem that is at least 1 acre in size
24	(including timberland and woodland) and that (as
25	determined by the Secretary)—

1	"(A) is characterized by dense and exten-
2	sive tree cover;
3	"(B) contains, or once contained, at least
4	10 percent tree crown cover; and
5	"(C) is not developed and planned for ex-
6	clusive nonforest resource use.
7	"(12) Grassland reserve program.—The
8	term 'grassland reserve program' means the grass-
9	land reserve program established under subchapter
10	C of chapter 2 of subtitle D of title XII of the Food
11	Security Act of 1985 (16 U.S.C. 3838n et seq.).
12	"(13) Operator.—The term 'operator' means
13	an individual, entity, or joint operation that is in
14	control of the farming operations on a farm during
15	the applicable crop year.
16	"(14) OWNER.—
17	"(A) IN GENERAL.—The term 'owner'
18	means a person that has legal ownership of eli-
19	gible cropland.
20	"(B) Inclusion.—The term 'owner' in-
21	cludes —
22	"(i) a person that is buying eligible
23	cropland under a contract for deed; and
24	"(ii) a person that has a life estate in
25	eligible cropland.

1	"(15) QUALIFIED ORGANIZATION.—The term
2	'qualified organization' means—
3	"(A) an Agricultural Innovation Center es-
4	tablished pursuant to section 6402 of the Farm
5	Security and Rural Investment Act of 2002
6	(Public Law 107-171; 116 Stat. 426; 7 U.S.C.
7	1621 note) with significant experience in the
8	field of renewable energy, as determined by the
9	Secretary; or
10	"(B) in a region not served by a center re-
11	ferred to in subparagraph (A)—
12	"(i) an entity with significant experi-
13	ence in the field of renewable energy that
14	is geographically located in such region, as
15	determined by the Secretary; or
16	"(ii) an accredited college or univer-
17	sity with experience providing technical as-
18	sistance in the field of renewable energy
19	that is geographically located in such re-
20	gion, as determined by the Secretary.
21	"(16) Secretary.—The term 'Secretary'
22	means the Secretary of Agriculture.
23	"(17) Socially disadvantaged farmer or
24	RANCHER.—The term 'socially disadvantaged farmer
25	or rancher' means a farmer or rancher who is a

1	member of a socially disadvantaged group (as de-
2	fined in section 355(e) of the Consolidated Farm
3	and Rural Development Act (7 U.S.C. 2003(e))).
4	"(18) Wetlands reserve program.—The
5	term 'wetlands reserve program' means the wetlands
6	reserve program established under subchapter C of
7	chapter 1 of subtitle D of title XII of the Food Se-
8	curity Act of 1985 (16 U.S.C. 3837 et seq.).
9	"(c) Establishment.— Not later than 90 days
10	after the date of enactment of this section, the Secretary
11	shall establish a biomass energy reserve in accordance with
12	this section. The Secretary shall ensure the purposes in
13	subsection (a) are met by including in the reserve projects
14	that include a variety of harvest and post-harvest prac-
15	tices, including stubble height, unharvested strips (includ-
16	ing strips for wildlife habitat), and varying harvest dates
17	and a variety of monoculture and polyculture crop mixes,
18	as appropriate, by project area.
19	"(d) Proposals for BER Project Areas.—
20	"(1) SELECTION OF QUALIFIED ORGANIZA-
21	TIONS.—
22	"(A) In general.—The Secretary shall
23	select not more than 10 qualified organizations
24	to assist—

1	"(i) eligible applicants in submitting
2	proposals under paragraph (2); and
3	"(ii) the Secretary in selecting BER
4	project areas.
5	"(B) REGION.—The Secretary shall select
6	not more than 1 qualified organization to assist
7	eligible applicants and the Secretary in any par-
8	ticular region of the United States, as deter-
9	mined by the Secretary.
10	"(C) Funding.—The Secretary shall pro-
11	vide each qualified organization selected under
12	paragraph (1) not more than \$300,000 to carry
13	out this paragraph.
14	"(2) Consultation with qualified organi-
15	ZATION.—An eligible applicant may consult with and
16	submit to a qualified organization a written proposal
17	that—
18	"(A) identifies the eligible cropland that
19	will be a part of the proposed BER project
20	area; and
21	"(B) indicates a strong likelihood that the
22	proposed BER project area will generate a suf-
23	ficient quantity of biomass from eligible dedi-
24	cated energy crops and acres or other sources
25	to supply an existing bioenergy facility.

1	"(3) MINIMUM REQUIREMENTS.—The written
2	proposal for a proposed BER project area shall in-
3	clude
4	"(A) a description of the eligible cropland
5	of each eligible participant that will participate
6	in the proposed BER project area, including—
7	"(i) the quantity of eligible cropland
8	of each eligible participant;
9	"(ii) the physical location of the eligi-
10	ble cropland;
11	"(iii) the 1 or more eligible dedicated
12	energy crops that will be produced on the
13	eligible cropland; and
14	"(iv) the type of land use or crop that
15	will be displaced by the eligible dedicated
16	energy crop;
17	"(B)(i) the name, if available, and type, lo-
18	cation, and description of the bioenergy facility
19	that will use the eligible dedicated energy crops
20	to be produced in the proposed BER project
21	area; and
22	"(ii) a letter of commitment from a
23	bioenergy facility that the facility will use
24	the eligible dedicated energy crops in-

1	tended to be produced in the proposed
2	BER project area;
3	"(C) a general analysis of the anticipated
4	local economic impact of the proposed BER
5	project; and
6	"(D) any additional information needed to
7	determine the eligibility for, and ranking of, the
8	proposal, as determined by the Secretary.
9	"(4) Individual owners and operators.—A
10	project area proposal may not submit an individual
11	proposal to participate in the BER.
12	"(5) Eligibility criteria for ber project
13	AREAS.—The Secretary shall establish a system for
14	ranking BER project areas based on the following
15	criteria:
16	"(A) The probability that the eligible dedi-
17	cated energy crops proposed to be produced in
18	the proposed BER project area will be used for
19	the purposes of the BER.
20	"(B) The inclusion of adequate potential
21	feedstocks and suitable placement with respect
22	to the bioenergy facility.
23	"(C) The potential for a positive economic
24	impact in the proposed BER project area.

1	"(D) The availability of the ownership of
2	the bioenergy facility in the proposed BER
3	project area to producers and local investors.
4	"(E) The participation rate by beginning
5	farmers or ranchers or socially disadvantaged
6	farmers or ranchers.
7	"(F) The potential to improve soil con-
8	servation and water quality, and enhance wild-
9	life habitat, when compared to existing land
10	uses.
11	"(G) The variety of agronomic conditions
12	the proposed eligible dedicated energy crops will
13	be grown within a project area.
14	"(H) The variety of harvest and post har-
15	vest practices, including stubble height,
16	unharvested strips (including strips for wildlife
17	habitat), and varying harvest dates.
18	"(I) The variety of monoculture and
19	polyculture crop mixes, as appropriate, by
20	project area.
21	"(6) Selection of Projects.—
22	"(A) RANKING; SUBMISSION TO SEC-
23	RETARY.—Each qualified organization selected
24	by the Secretary under paragraph (1) shall
25	rank proposals submitted to such qualified or-

1	ganization under paragraph (2) using the sys-
2	tem for ranking established by the Secretary
3	under paragraph (6) and shall submit to the
4	Secretary up to five of the highest ranked appli-
5	cations.
6	"(B) SECRETARY SELECTION.—The Sec-
7	retary shall authorize not less than one pro-
8	posal submitted to the Secretary from each
9	qualified organization under subparagraph (A).
10	"(e) Forest Biomass Planning Grants.—
11	"(1) In General.—The Secretary shall provide
12	forest biomass planning assistance grants to private
13	landowners to develop forest stewardship plans that
14	involve sustainable management of biomass from
15	forest land of the private landowners that will pre-
16	serve diversity, soil, water, or wildlife values of the
17	land, while ensuring a steady supply of biomass ma-
18	terial, through—
19	"(A) State forestry agencies, in consulta-
20	tion with State wildlife agencies; and
21	"(B) technical service provider arrange-
22	ments with third-parties.
23	"(2) Limitation.—The total amount of funds
24	used to carry out this subsection shall not exceed
25	\$5,000,000.

1	"(f) Duration of Contract.—
2	"(1) In general.—Subject to paragraph (2),
3	for purposes of carrying out the BER, the Secretary
4	shall enter into contracts of 5 years.
5	"(2) Early termination.—The Secretary
6	may terminate a contract early if the Secretary de-
7	termines that—
8	"(A) contract acreage will not be used to
9	produce an eligible dedicated energy crop;
10	"(B) a material breach of the contract has
11	occurred;
12	"(C) the owner or operator has died; or
13	"(D) continuation of the contract will
14	cause undue economic hardship.
15	"(g) Contract Acreage Requirements.—
16	"(1) In general.—On approval of a BER
17	project area by the Secretary, each eligible partici-
18	pant in the BER project area shall enter into a con-
19	tract with the Secretary that is consistent with the
20	BER.
21	"(2) ADDITIONAL ELIGIBLE PARTICIPANTS.—
22	The Secretary may add eligible participants to a
23	BER project area after approval of the BER project
24	area.

1	"(3) Conservation practices.—To ensure
2	the sustainability of farm operations and the protec-
3	tion of soil, air, water and wildlife, the Secretary
4	shall include such terms and conditions in a contract
5	entered into under paragraph (1) as the Secretary
6	considers necessary.
7	"(4) Purposes.—
8	"(A) IN GENERAL.—Except as provided in
9	subparagraph (B), to be eligible to participate
10	in the BER, an eligible participant may use eli-
11	gible dedicated energy crops produced on con-
12	tract acreage only for the purposes described in
13	subsection (a).
14	"(B) Personal use.—During the period
15	before the commercial viability of a bioenergy
16	facility, an eligible participant may use eligible
17	dedicated energy crops produced by the eligible
18	participant on contract acreage for personal
9	use.
20	"(C) SEED PRODUCTION.—During the pe-
21	riod before the commercial viability of a bio-
22	energy facility, an eligible participant may har-
23	vest and sell seed produced on contract acreage.

1	"(5) REQUIREMENTS.—To be eligible to partici-
2	pate in the BER, during the term of the BER con-
3	tract, an eligible participant shall comply with—
4	"(A) the highly erodible land conservation
5	requirements of subtitle B of title XII of the
6	Food Security Act of 1985 (16 U.S.C. 3811 et
7	seq.); and
8	"(B) the wetland conservation require-
9	ments of subtitle C of title XII of that Act (16
10	U.S.C. 3821 et seq.).
11	"(h) Additional Eligible Biomass.—
12	"(1) IN GENERAL.—The Secretary may allow
13	on land that is enrolled in the conservation reserve
14	program and located within the BER project area
15	the harvesting of biomass—
16	"(A) in exchange for a reduction of an ap-
17	plicable annual payment in an amount to be de-
18	termined by the Secretary;
19	"(B) in accordance with an approved con-
20	servation reserve program plan, including mid-
21	contract management and forestry maintenance
22	activities; and
23	"(C) in a manner that ensures that bio-
24	mass harvest activities occur outside the official

1	nesting and brood rearing season for those
2	plans.
3	"(i) DUTIES OF SECRETARY.—The Secretary shall—
4	"(1) establish and administer the BER;
5	"(2) authorize establishment of BER project
6	areas for the purposes of the BER described in sub-
7	section (a);
8	"(3) develop procedures—
9	"(A) to monitor the compliance of eligible
10	participants that have land enrolled in the BER
11	with the requirements of the BER;
12	"(B) to measure the performance of the
13	BER; and
14	"(C) to demonstrate whether the long-term
15	eligible dedicated energy crop production goals
16	are being achieved.
17	"(4) enter into a written contract with each eli-
18	gible participant that elects to participate in the
19	BER in a BER project area;
20	"(5) not enter into a contract under the BER
21	with an individual owner or operator unless the land
22	of the eligible participant is physically located in an
23	approved BER project area; and
24	"(6) provide all payments under the contract
25	directly to the eligible participant.

1	"(j) Contracts.—A contract entered into between
2	the Secretary and an eligible participant under the BER
3	shall include, at a minimum, terms that cover—
4	"(1) requirements for the eligible participant in
5	carrying out the contract, including requirements de-
6	scribed in subsections (f), (g), and (l);
7	"(2) termination provisions;
8	"(3) payment terms and amounts to be pro-
9	vided on an annual basis;
10	"(4) the sales or transfer of contract acreage;
11	"(5) the modification of the contract;
12	"(6) the maximum quantity of contract acreage
13	and an estimated schedule for how much eligible
14	cropland will be enrolled each contract year; and
15	"(7) any additional terms the Secretary con-
16	siders appropriate.
17	"(k) Payments.—
18	"(1) IN GENERAL.—The Secretary shall provide
19	payments directly to eligible participants who enter
20	into contracts described in subsection (j) in accord-
21	ance with such subsection.
22	"(2) Establishment payments.—
23	"(A) IN GENERAL.—The Secretary shall
24	provide to an eligible participant who enters
25	into a BER contract an establishment payment

1	in an amount equal to the costs of establishing
2	an eligible dedicated energy crop on the con-
3	tract acreage covered by the contract.
4	"(B) ELIGIBLE ESTABLISHMENT PAY-
5	MENTS.—The costs for which an eligible owner
6	may receive an establishment payment under
7	this paragraph include—
8	"(i) the cost of seeds and stock; and
9	"(ii) the cost of planting the crop.
10	"(3) Rental payments.—
11	"(A) IN GENERAL.—The Secretary shall
12	make annual rental payments to an eligible par-
13	ticipant who enters into a BER contract.
14	"(B) Period.—An eligible participant
15	shall receive rental payments for a period of not
16	more than 5 years after entering into a BER
17	contract with the Secretary on contract acreage.
18	"(C) REDUCTION.—The Secretary shall re-
19	duce rental payments under (A) by an amount
20	determined to be appropriate by the Secretary,
21	if an eligible dedicated energy crop is harvested
22	in accordance with subsection (g)(4).
23	"(1) Information Sharing.—
24	"(1) IN GENERAL.—Owners and operators of a
25	farm entering into a contract with the Secretary

1	under this section shall agree to make available to
2	the Secretary, or to an institution of higher edu-
3	cation or other entity designated by the Secretary,
4	such information as the Secretary considers to be
5	appropriate to promote the production of bioenergy
6	crops and the development of biorefinery technology;
7	and
8	"(2) Best practices database.—Subject to
9	section 1770 of the Food Security Act of 1985 (7
10	U.S.C. 2276), the Secretary shall make available to
11	the public in a database format the best practices in-
12	formation developed by the Secretary in providing
13	bioenergy assistance under this section.
14	"(m) Payments for Collecting, Harvesting,
15	STORING, AND TRANSPORTING BIOMASS PRODUCED ON
16	BER CONTRACT ACREAGE, AGRICULTURAL WASTE BIO-
17	MASS, AND SUSTAINABLY-HARVESTED AGRICULTURAL
18	AND FOREST RESIDUES.—
19	"(1) In general.—Subject to paragraph (2),
20	the Secretary may provide matching payments at a
21	rate of \$1 for every \$1 per ton provided by the bio-
22	energy facility, in an amount equal to not more than
23	\$45 per ton for a period of two years—
24	"(A) to eligible participants for biomass
25	produced on BER contract acreage in exchange

1	for a reduction of the annual payment issued
2	under subsection (k)(3), as determined by the
3	Secretary;
4	"(B) to any producer of agricultural waste
5	biomass or sustainably-harvested agricultural
6	and forest residues in the United States for the
7	agricultural waste or residue; and
8	"(C) for residue collected as a result of the
9	removal of noxious and invasive species, in ac-
10	cordance with methods approved by the Sec-
11	retary.
12	"(2) Forest land owner eligibility.—
13	Owners of forest land shall be eligible to receive pay-
14	ments under this subsection only if such owners are
15	acting pursuant to a forest stewardship plan.
16	"(n) Funding.—Of the funds of the Commodity
17	Credit Corporation, the Secretary shall use to carry out
18	this section such sums as are necessary for each of fiscal
19	years 2008 through 2012.".
20	SEC. 9020. FOREST BIOMASS FOR ENERGY.
21	Title IX of the Farm Security and Rural Investment
22	Act of 2002 (7 U.S.C. 8101 et seq.) is further amended
23	by adding at the end the following new section:

1	"SEC. 9018. FOREST BIOMASS FOR ENERGY.
2	"(a) In General.—The Secretary of Agriculture,
3	through the Forest Service, shall conduct a competitive
4	research and development program to encourage use of
5	forest biomass for energy.
6	"(b) ELIGIBLE ENTITIES.—Entities eligible to com-
7	pete under this program include the Forest Service
. 8	(through Research and Development), other Federal agen-
9	cies, State and local governments, federally recognized In-
10	dian tribes, land grant colleges and universities, and pri-
11	vate entities.
12	"(c) Priority for Project Selection.—The Sec-
13	retary shall give priority to projects that—
14	"(1) develop technology and techniques to use
15	low value forest biomass, such as byproducts of for-
16	est health treatments and hazardous fuels reduction,
17	for the production of energy;
18	"(2) develop processes that integrate production
19	of energy from forest biomass into biorefineries or
20	other existing manufacturing streams;
21	"(3) develop new transportation fuels from for-
22	est biomass; and
23	"(4) improve the growth and yield of trees in-
24	tended for renewable energy production.
25	"(d) Funding.—Of the funds of the Commodity
26	Credit Corporation, the Secretary shall make available to

- 1 carry out this section \$15,000,000 for each of fiscal years
- 2 2008 through 2012.".

AMENDMENT TO H.R. 2419, AS REPORTED



At the end of title XI, add the following new section:

1	SEC. 1331 PREVENTION AND INVESTIGATION OF PAY-
2	MENT AND FRAUD AND ERROR.
3	Section 1113(k) of the Right to Financial Privacy
4	Act of 1978 (12 U.S.C. 3413(k)) is amended to read as
5	follows:
6	"(k) Disclosure Necessary for Proper Admin-
7	ISTRATION OF PROGRAMS OF CERTAIN GOVERNMENT AU-
8	THORITIES.—
9	"(1) DISCLOSURE TO GOVERNMENT AUTHORI-
10	TIES.—Nothing in this title shall apply to the disclo-
11	sure by the financial institution of the financial
12	records of any customer to the Department of the
13	Treasury, the Social Security Administration, the
14	Railroad Retirement Board, or any other Govern-
15	ment authority that certifies, disburses, or collects
16	payments, when the disclosure of such information is
17	necessary to, and such information is used solely for
18	the purposes of—

I	"(A) the proper administration of section
2	$1441\ {\rm of}\ {\rm the}\ {\rm Internal}\ {\rm Revenue}\ {\rm Code}\ {\rm of}\ 1986\ (26$
3	U.S.C. 1441);
4	"(B) the proper administration of title II
5	of the Social Security Act (42 U.S.C. 401 et
6	seq.);
7	"(C) the proper administration of the Rail-
8	road Retirement Act of 1974 (45 U.S.C. 231 et
9	seq.);
10	"(D) the verification of the identify of any
11	person in connection with the issuance of a
12	Federal payment or collection of funds by a
13	Government authority; or
14	"(E) the investigation or recovery of an
15	improper Federal payment or collection of
16	funds, or an improperly negotiated Treasury
17	check.
18	"(2) Limitations on subsequent disclo-
19	SURE.—Notwithstanding any other provision of law,
20	any request authorized by paragraph (1), and the in-
21	formation contained therein, may be used by the fi-
22	nancial institution and its agents solely for the pur-
23	pose of providing the customer's financial records to
24	the Government authority requesting the informa-
25	tion and shall be barred from redisclosure by the fi-

1	nancial institution or its agents. Any Government
2	authority receiving information pursuant to para-
3	graph (1) may not disclose or use the information
4	except for the purposes set forth in such para-
5	graph.".

AMENDMENT TO H.R. 2419

Offered by M_..

At the end of the bill, add the following:

1	TITLE XII—PREVENTION OF TAX
2	TREATY EXPLOITATION TO
3	EVADE UNITED STATES TAX-
4	ATION
5	SEC. 12001. LIMITATION ON TREATY BENEFITS FOR CER-
6	TAIN DEDUCTIBLE PAYMENTS.
7	(a) In General.—Section 894 of the Internal Rev-
8	enue Code of 1986 (relating to income affected by treaty)
9	is amended by adding at the end the following new sub-
10	section:
11	"(d) Limitation on Treaty Benefits for Cer-
12	TAIN DEDUCTIBLE PAYMENTS.—
13	"(1) In general.—In the case of any deduct-
4	ible related-party payment, the amount of any with-
15	holding tax imposed under chapter 3 (and any tax
16	imposed under subpart A or B of this part) with re-
7	spect to such payment shall not be less than the
8	amount which would be imposed if the payment were
9	made directly to the foreign parent corporation (tak-
20	ing into account any income tay treaty between the

1	United States and the country in which the foreign
2	parent corporation is resident).
3	"(2) DEDUCTIBLE RELATED-PARTY PAY-
4	MENT.—For purposes of this subsection, the term
5	'deductible related-party payment' means any pay-
6	ment made, directly or indirectly, by any person to
7	any other person if the payment is allowable as a de-
8	duction under this chapter and both persons are
9	members of the same foreign controlled group of en-
10	tities.
11	"(3) Foreign controlled group of enti-
12	TIES.—For purposes of this subsection—
13	"(A) IN GENERAL.—The term foreign
14	controlled group of entities' means a controlled
15	group of entities the common parent of which
16	is a foreign corporation.
17	"(B) Controlled group of entities.—
18	The term 'controlled group of entities' means a
19	controlled group of corporations as defined in
20	section 1563(a)(1), except that—
21	"(i) 'more than 50 percent' shall be
22	substituted for 'at least 80 percent' each
23	place it appears therein, and

1	"(ii) the determination shall be made
2	without regard to subsections (a)(4) and
3	(b)(2) of section 1563.
4	A partnership or any other entity (other than a
5	corporation) shall be treated as a member of a
6	controlled group of entities if such entity is con-
7	trolled (within the meaning of section
8	954(d)(3)) by members of such group (includ-
9	ing any entity treated as a member of such
10	group by reason of this sentence).
11	"(4) FOREIGN PARENT CORPORATION.—For
12	purposes of this subsection, the term 'foreign parent
13	corporation' means, with respect to any deductible
14	related-party payment, the common parent of the
15	foreign controlled group of entities referred to in
16	paragraph (3)(A).
17	"(5) REGULATIONS.—The Secretary may pre-
18	scribe such regulations or other guidance as are nec-
19	essary or appropriate to carry out the purposes of
20	this subsection, including regulations or other guid-
21	ance which provide for—
22	"(A) the treatment of two or more persons
23	as members of a foreign controlled group of en-
24	tities if such persons would be the common par-

1	ent of such group if treated as one corporation,
2	and
3	"(B) the treatment of any member of a
4	foreign controlled group of entities as the com-
5	mon parent of such group if such treatment is
6	appropriate taking into account the economic
7	relationships among such entities.".
8	(b) EFFECTIVE DATE.—The amendment made by
9	this section shall apply to payments made after the date
0	of the enactment of this Act

AMENDMENT TO H.R. 2419, AS REPORTED OFFERED BY MR. PETERSON OF MINNESOTA

(Page and line numbers refer to the reported bill)

[COMMODITY TITLE]

In section 1103(f)(3), strike subparagraph (B) and insert the following new subparagraph:

1	(B) the final partial payment shall be
2	made the later of the following:
3	(i) As soon as practicable after the
4	end of the 12-month marketing year for
5	the covered commodity.
6	(ii) October 1 of the fiscal year start-
7	ing in the same calendar year as the end
8	of the marketing year.

In section 1104(h)(3), strike subparagraph (B) and insert the following new subparagraph:

9	(B) the final partial payment shall be
10	made the later of the following:
11	(i) As soon as practicable after the
12	end of the 12-month marketing year for
13	the covered commodity

1	(ii) October 1 of the fiscal year start
2	ing in the same calendar year as the end
3	of the marketing year.
	At the end of section 1407, add the following new
S	ubsection:
4	(d) Refund of Assessments on Imported Dairy
5	PRODUCTS.—Section 113(g) of the Dairy Production Sta
6	bilization Act of 1983 (7 U.S.C. 4504(g)) is amended by
7	adding at the end the following:
8	"(7) REFUND OF ASSESSMENTS ON CERTAIN
9	IMPORTED PRODUCTS.—
10	"(A) In general.—An importer is enti-
11	tled to a refund of any assessment paid under
12	this subsection on imported dairy products im-
13	ported under a contract entered into prior to
14	July 26, 2007.
15	"(B) Expiration.—Refunds under para-
16	graph (A) shall expire one year after the date
17	of the enactment of the Farm, Nutrition, and
18	Bioenergy Act of 2007.".
	Page 116, line 25, strike "16" and insert "18".

Page 117, line 19, strike "(2)(E)" and insert "(2)(C)".

Page 117, line 24, strike "institution" and "institutions".

Page 150, line 18, strike "2012" and insert "2011".

[CONSERVATION TITLE]

Page 157, beginning line 22, strike subparagraph (C) relating to annual survey funding.

In section 2101, add at the end the following new subsection:

- 1 (j) Exceptions to Early Termination.—Section
- 2 1235(e)(2) of the Food Security Act of 1985 (16 U.S.C.
- 3 3835(e)(2) is amended by adding at the end the following
- 4 new subparagraph:
- 5 "(D) Land enrolled under continuous
- 6 signup.".

In section 2102(e), strike paragraph (3) and insert the following new paragraph:

- 7 (3) by striking subsection (f) and inserting the
- 8 following new subsection:
- 9 "(f) Compensation.—Compensation for easements
- 10 acquired by the Secretary under this subchapter shall be
- 11 made in cash in such amount as agreed to and specified
- 12 in the easement agreement. Lands may be enrolled
- 13 through the submission of bids under a procedure estab-

- 1 lished by the Secretary. Commendation may be provided
- 2 in not less than 5, nor more than 30, annual payments
- 3 of equal or unequal size, as agreed to by the owner and
- 4 the Secretary based on the following option that results
- 5 in the lowest amount of compensation to be paid by the
- 6 Secretary:
- 7 "(1) A percentage of the fair market value
- 8 based on the Uniform Standards for Professional
- 9 Appraisals Procedures, as determined by the Sec-
- 10 retary or a percentage of the market value deter-
- 11 mined by an area-wide market survey.
- 12 "(2) A geographic cap, prescribed in regulations
- issued by the Secretary.
- "(3) The offer made by the landowner."; and

Page 194, line 10, strike "or".

Page 194, line 11, strike the period and insert "; or".

Page 194, after line 11, insert the following new clause:

"(iv) improve watershed health.".

Page 206, after line 2, insert the following new subsection (and redesignate the subsequent subsection as subsection (e)):

- 1 "(d) AIR QUALITY.—Of the funds made available
- 2 under subsection (e)(1), the Secretary shall use
- 3 \$10,000,000 for fiscal year 2008, \$15,000,000 for fiscal
- 4 year 2009, \$30,000,000 for fiscal year 2010, \$40,000,000
- 5 for fiscal year 2011, and \$55,000,000 for fiscal year 2012
- 6 to support air quality improvements to help producers
- 7 meet State and local regulatory requirements related to
- 8 air quality. Notwithstanding the requirements under sub-
- 9 sections (a) and (b), these funds shall be made available
- 10 to a State on the basis of air quality concerns facing that
- 11 producers in that State. The funds made available shall
- 12 be used to provide cost-share and incentive payments to
- 13 producers.".

Page 206, beginning line 24, strike paragraph (4).

Page 209, line 17, insert after "the Everglades," the following: "the Sacramento River watershed,".

Page 219, line 23, strike "or organizational purpose".

Page 220, line 2, strike "and technical ability".

Page 220, beginning line 9, strike subparagraph (C).

Page 221, beginning line 1, strike subparagraphs (F) and (G).

Page 221, line 12, insert after "eligible entity," the following: "other than a certified State,".

Page 222, line 19, strike "preserve" and insert "enforce".

Page 238, line 13, strike "\$1,500,000,000" and insert "\$1,250,000,000".

Page 264, line 20, strike "section 501(c)(2)" and insert "section 501(c)(3)".

At the end of title II (page 272, after line 2), add the following new section:

1 SEC. 2504. PILOT PROGRAM FOR FOUR-YEAR CROP ROTA-

- 2 TION FOR PEANUTS.
- 3 (a) Contract Authority.—The Secretary of Agri-
- 4 culture shall enter into a contract with a peanut producer
- 5 under which the producer will implement a four-year crop
- 6 rotation for peanuts.
- 7 (b) CONTRACT PAYMENTS.—Under the contract, the
- 8 Secretary shall pay to the producer a contract implemen-
- 9 tation payment, in an amount determined to be appro-
- 10 priate by the Secretary.
- 11 (c) Funding.—For each of fiscal years 2008 through
- 12 2012, the Secretary shall use the funds, facilities, and au-
- 13 thorities of the Commodity Credit Corporation to carry
- 14 out the provisions under this section, except that funding

- $1\,$ of the pilot program may not exceed 10,000,000 in each
- 2 of such fiscal years.

[TRADE TITLE]

Page 274, strike line 1 and all that follows through line 4 and insert the following:

3	(e) FOOD AID CONSULTATIVE GROUP.—
4	(1) Report to congress.—Section 205 of the
5	Agricultural Trade Development and Assistance Act
6	of 1954 (7 U.S.C. 1725) is amended—
7	(A) by redesignating subsection (f) as sub-
8	section (g); and
9	(B) by inserting after subsection (e) the
10	following new subsection:
11	"(f) Report to Congress.—
12	"(1) IN GENERAL.—Not later than 180 days
13	after the date of the enactment of the Farm, Nutri-
14	tion, and Bioenergy Act of 2007, and annually
15	thereafter until December 31, 2012, the Adminis-
16	trator of the United States Agency for International
17	Development, in close consultation with the Group,
18	shall submit to the appropriate congressional com-
19	mittees a report on efforts taken by the United
20	States Agency for International Development and
21	the Department of Agriculture to develop a strategy

1	under this section to achieve an integrated and effec-
2	tive food assistance program.
3	"(2) APPROPRIATE CONGRESSIONAL COMMIT-
4	TEES DEFINED.—In this subsection, the term 'ap-
5	propriate congressional committees' means—
6	"(A) the Committee on Foreign Affairs
7	and the Committee on Agriculture of the House
8	of Representatives; and
9	"(B) the Committee on Agriculture, Nutri-
10	tion, and Forestry of the Senate.".
11	(2) TERMINATION.—Such section is further
12	amended in subsection (g) (as redesignated by para-
13	graph (1)(A)) by striking "2007" and inserting
14	"2012".
	Page 275, line 14, insert "paragraph" before "(1)".
	Page 275, after line 14, insert the following new
par	agraph:
15	"(3) GOVERNMENT ACCOUNTABILITY OFFICE.—
16	Not later than 270 days after the date of the sub-
17	mission of the report under paragraph (2), the
18	Comptroller General of the United States shall sub-
19	mit to the appropriate congressional committees a
20	report that—

	J
1	"(A) reviews and comments on the report
2	under paragraph (2); and
3	"(B) provides recommendations regarding
4	any additional actions necessary to improve the
5	monitoring and evaluation of assistance pro-
6	vided under this title.".
	Page 275, line 15, strike "(3)" and insert "(4)".
	Page 275, line 21, strike "(4)" and insert "(5)".
	Page 276, line 3, strike the closing quotation marks
and	I the period at the end.
	Page 276, after line 3, insert the following:
7	"(6) APPROPRIATE CONGRESSIONAL COMMIT-
8	TEES DEFINED.—In this subsection, the term 'ap-
9	propriate congressional committees' means—
10	"(A) the Committee on Foreign Affairs
11	and the Committee on Agriculture of the House
12	of Representatives; and
13	"(B) the Committee on Agriculture, Nutri-
14	tion, and Forestry of the Senate.".
	Page 276, after line 12, insert the following:
15	(1) by striking "Funds" and inserting "(A) IN

16

Page 276, line 13, strike "(1)" and insert "(2)".

Page 276, line 14, strike "and".

Page 276, line 15, strike "(2)" and insert "(3)".

Page 276, line 16, strike the period at the end and insert "; and".

Page 276, after line 16, insert the following:

1	(4) by adding at the end the following new sub-
2	paragraph:
3	"(B) ADDITIONAL PREPOSITIONING
4	SITES.—
5	"(i) Feasibility assessment.—On
6	or after the date of the enactment of the
7	Farm, Nutrition, and Bioenergy Act of
8	2007, the Administrator is authorized to
9	carry out assessments for the establish-
10	ment of not less than two sites to deter-
11	mine the feasibility of and costs associated
12	with using such sites for the purpose of
13	storing and handling agricultural commod-
14	ities for prepositioning in foreign countries.
15	"(ii) Establishment of sites.—
16	Based on the results of the assessments
17	carried out under clause (i), the Adminis-
18	trator is authorized to establish additional

	11
1	sites for pre-positioning in foreign coun-
2	tries.
3	"(iii) Authorization of appropria-
4	TIONS.—To carry out this subparagraph,
5	there are authorized to be appropriated to
6	the Administrator such sums as may be
7	necessary for each of the fiscal years 2008
8	through 2012.".
	Page 277, after line 16, insert the following:
9	(l) Authorization of Appropriations.—Sub-
10	section (a) of section 412 of the Agricultural Trade Devel-
11	opment and Assistance Act of 1954 (7 U.S.C. 1736f) is
12	amended to read as follows:
13	"(a) Authorization of Appropriations.—For
14	each of the fiscal years 2008 through 2012, there are au-
15	thorized to be appropriated to the President—
16	"(1) such sums as may be necessary to carry
17	out the concessional credit sales program established
18	under title I,
19	"(2) $$2,500,000,000$ to carry out the emer-
20	gency and non-emergency food assistance programs
21	under title II, and
22	"(3) such sums as may be necessary to carry
23	out the grant program established under title III,

- 1 including such amounts as may be required to make pay-2 ments to the Commodity Credit Corporation to the extent
- 3 the Commodity Credit Corporation is not reimbursed
- 4 under the programs under this Act for the actual costs
- 5 incurred or to be incurred by such Corporation in carrying
- 6 out such programs.".

Page 277, strike line 17 and all that follows through line 20 and insert the following:

7 (m) MICRONUTRIENT FORTIFICATION PROGRAMS.— 8 (1) Purpose.—Subsection (a)(2)(C) of section 9 415 of the Agricultural Trade Development and As-10 sistance Act of 1954 (7 U.S.C. 1736g-2) is amend-11 ed— (A) by striking "using the same mecha-12 13 nism that was used to assess the micronutrient 14 fortification program in" and inserting "uti-15 lizing recommendations from"; and 16 (B) by striking "with funds from the Bureau for Humanitarian Response of the United 17 18 States Agency for International Development" and inserting "with implementation by an inde-19 20 pendent entity with proven impartiality and a 21 mechanism that incorporates the range of 22 stakeholders implementing programs under title

1	II of this Act as well as other food assistance
2	industry experts".
3	(2) TERMINATION OF AUTHORITY.—Subsection
4	(d) of such section is amended by striking "2007"
5	and inserting "2012"

Page 277, line 21, strike "(m)" and insert "(n)".

Page 278, line 19, strike "(n)" and insert "(o)".

Page 279, after line 10, insert the following new clause (and redesignate the subsequent clause as clause (iii)):

- 6 (ii) in paragraph (1), by striking "3-7 year period" and inserting "6-month pe-
- 8 riod".

Page 281, beginning line 9, strike subsection (c).

Page 284, strike line 6 and all that follows through line 10 and insert the following:

9 SEC. 3010. FOREIGN MARKET DEVELOPMENT COOPERATOR

- 10 **PROGRAM.**
- 11 (a) Foreign Market Development Cooperator
- 12 Program.—Subsection (c) of section 702 of the Agricul-
- 13 tural Trade Act of 1978 (7 U.S.C. 5722) is amended by
- 14 striking "Committee on International Relations" and in-
- 15 serting "Committee on Foreign Affairs".

- 1 (b) Funding.—Subsection (a) of section 703 of such
- 2 Act (7 U.S.C. 5723) is amended by striking "2002
- 3 through 2007" and inserting "2008 through 2012".

Page 285, line 14, strike "International Relations" and insert "Foreign Affairs".

Page 287, after line 7, insert the following:

- 4 SEC. 3015. REPORT ON EFFORTS TO IMPROVE PROCURE-
- 5 MENT PLANNING.
- 6 (a) REPORT REQUIRED.—Not later than 90 days
- 7 after the date of the enactment of this Act, the Adminis-
- 8 trator of the United States Agency for International De-
- 9 velopment and the Secretary of Agriculture shall submit
- 10 to the appropriate congressional committees a report on
- 11 efforts taken by both the United States Agency for Inter-
- 12 national Development and the Department of Agriculture
- 13 to improve planning for food and transportation procure-
- 14 ment, including efforts to eliminate bunching of food pur-
- 15 chases.
- 16 (b) Contents.—The report required under sub-
- 17 section (a) should include, among other things, a descrip-
- 18 tion of efforts taken to—
- 19 (1) improve coordination of food purchases by
- 20 the United States Agency for International Develop-
- 21 ment and the Department of Agriculture;

1	(2) increase flexibility in procurement sched-
2	ules;
3	(3) increase utilization of historical analyses
4	and forecasting; and
5	(4) improve and streamline legal claims proc-
6	esses for resolving transportation disputes.
7	(e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
8	FINED.—In this section, the term "appropriate congres-
9	sional committees" means—
10	(1) the Committee on Foreign Affairs and the
11	Committee on Agriculture of the House of Rep-
12	resentatives; and
13	(2) the Committee on Agriculture, Nutrition,
14	and Forestry of the Senate.
15	SEC. 3016. INTERNATIONAL DISASTER ASSISTANCE UNDER
16	THE FOREIGN ASSISTANCE ACT OF 1961.
17	For each of the fiscal years 2008 through 2012, of
18	the amounts made available to carry out section 491 of
19	the Foreign Assistance Act of 1961 (22 U.S.C. 2292), not
20	less than \$40,000,000 for each such fiscal year is author-
21	ized be made available for the purposes of famine preven-
22	tion and relief under such section.

[NUTRITION TITLE]

Page 301, beginning on line 18, strike "and Nutrition Act" and insert "Stamp".

Page 303, line 14, insert "a" after "in the event of".

Page 306, line 10, insert "(or fails to address)" after "addresses".

Page 310, line 25, strike "after paragraph" and insert "inserting after subsection".

Page 312, line 12, strike "redeem," and insert "redeem".

Page 319, line 17, strike "verification of" and insert "verification or".

Page 323, strike lines 4 and 5, and insert the following:

- 1 (ii) by striking "finding of a violation
- and the" and inserting "finding of a viola-
- 3 tion,".

Page 323, line 22, strike "years." and insert "years".

Page 324, line 21, strike lines 19 through 21, and insert the following:

- 4 "(c) Treatment of Disqualification and Pen-
- 5 ALTY DETERMINATIONS.—The action".

Page 325, line 24, insert "is" before "not upheld".

Page 330, line 19, strike "low income" and insert "low-income".

Page 332, line 14, insert "and particularly children, as well as the feasibility of replicating these programs in other locations" after "persons".

Page 333, after line 22, insert the following:

1	"(iv) strategies to improve the nutri-
2	tional value of food served during school
3	hours and during after-school hours;
4	"(v) innovative ways to provide sig-
5	nificant improvement to the health and
6	wellness of children;".

Page 333, line 23, strike "(iv)" and insert "(vi)".

Page 336, line 16, strike "paragraph" and insert "subsection".

Page 340, line 16, strike "Action" and insert "Act".

Page 345, line 22, strike "(a) AMENDMENT.—".

[CREDIT TITLE]

In section 304(c)(2)(B) of the Consolidated Farm and Rural Development Act, as proposed to be added by section 5001 of the bill, strike "\$1,000,000" and insert "\$1,000,000,000".

In section 310F(b)(1)(C) of the Consolidated Farm and Rural Development Act, as proposed to be added by section 5004 of the bill, strike "be at" and insert "be, at".

At the end of subtitle A of title V, insert the following:

- 1 SEC. 5005. LOANS TO PURCHASERS OF HIGHLY
- 2 FRACTIONED LANDS.
- 3 Section 1 of Public Law 91–229 (25 U.S.C. 488) is
- 4 amended by adding at the end the following: "The Sec-
- 5 retary of Agriculture may make and insure loans as pro-
- 6 vided in section 309 of the Consolidated Farm and Rural
- 7 Development Act to eligible purchasers of highly
- 8 fractionated land pursuant to section 204(c) of the Indian
- 9 Land Consolidation Act. Section 4 of this Act shall not
- 10 apply to trust or restricted tribal or tribal corporation
- 11 property mortgaged pursuant to the preceding sentence.".

In section 1.9(4) of the Farm Credit Act of 1971, as proposed to be added by section 5031(a)(1)(C) of the bill, strike "under this title to a person" and insert "to a person made eligible under this paragraph if the person is".

In section 2.4(a)(4) of the Farm Credit Act of 1971, as proposed to be added by section 5031(b)(3) of the bill,

strike "under this title to a person" and insert "to a person made eligible under this paragraph if the person is".

Strike section 5040.

[RURAL DEVELOPMENT TITLE]

In section 6009(a)(3), strike "subparagraphs (D) and (F)" and insert "subparagraph (D)", and strike "and" after the semicolon.

In section 6009(a)(4), strike "adding at the end" and insert "inserting after subparagraph (D) (as so redesignated)", and strike the period after the subparagraph (E) proposed to be added and insert "; and".

In subparagraph (E) of section 310B(e)(5) of the Consolidated Farm and Rural Development Act, as proposed to be added by section 6009(a)(4) of the bill, strike the period and insert "; and".

At the end of section 6009(a), insert the following:

- 1 (5) in subparagraph (F), by striking "greater
- 2 than" the 1st place it appears.

In section 310B(i)(2) of the Consolidated Farm and Rural Development Act, as proposed to be added by section 6011 of the bill, strike "the" after "help".

In section 601(c)(3)(A)(ii) of the Rural Electrification Act of 1936, as proposed to be added by section 6023(b)(2) of the bill, strike "services" and insert "service".

In section 601(l)(4)(A) of the Rural Electrification Act of 1936, as proposed to be added by section 6023(i) of the bill, strike "(b)" each place it appears and insert "(d)".

[RESEARCH TITLE]

Page 456, line 10, strike "(c)" and insert "(e)".

Page 456, lines 14 and 15, strike "or otherwise administered".

Page 456, lines 17 and 18, strike "except as provided under subsection (a)(14)".

Page 458, line 7, insert "and universities" after "colleges".

Page 459, line 2, insert "AND UNIVERSITY" before the period.

Page 459, line 3, insert "and university" before the quotation marks.

Page 459, line 4, strike "a" and insert "an".

Page 459, line 5, strike "as defined" and all that follows through line 7 and insert "; and".

Page 459, strike lines 8 through 10, and insert the following:

- 1 (b) offers associate, bachelor's, or other ac-
- 2 credited degree programs in agricultural related
- 3 fields, as determined by the Secretary.

Page 470, lines 9 and 10, strike "(8) and (12)" and insert "(7) and (11)".

Page 474, line 17, insert "for Research, Education, and Economics" after "Secretary".

Page 477, line 21, insert ", except that section 401(b)(3) of such Act shall not be repealed and shall remain in effect" before the period.

Page 477, line 24, strike "(c)" and insert "(d)".

Page 495, line 10, insert "to" before "acquire".

Page 497, line 10, strike "as defined" and all that follows through line 12, and insert "; and".

Page 497, line 15, insert ", as determined by the Secretary" before the period.

Page 498, line 17, strike "of Agriculture".

Page 499, lines 13 and 14, strike "of the Treasury".

Page 500, line 7, strike "section" and insert "paragraph".

Page 501, line 24, strike "of Agriculture".

Page 502, line 4, strike "of Agriculture".

Page 502, line 12, insert "EXTENSION" after "(b)".

Page 502, line 18, strike "section 4" and insert "subparagraph (D)".

Page 504, line 3, insert ", as defined in section 1456 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3289)" after "universities".

Page 504, line 7, insert ", as defined in section 1456 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3289)" after "universities".

Page 504, line 11, insert ", as defined in section 1456 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3289)" after "universities".

Page 506, line 1, strike "RESEARCH FACILITIES" and insert "ASSISTANCE PROGRAMS".

Page 507, after line 6, insert the following new sections:

-					
ı	SEC	7234	HISPANIC	SERVING	INSTITUTIONS

- 2 The text of section 1404 of the Research Act of 1977
- 3 is amended to read as follows: "The term 'Hispanic Serv-
- 4 ing Institution' has the meaning given that term in section
- 5 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C.
- 6 1101a(a)(5).".
- 7 SEC. 7235. SPECIALTY CROPS POLICY RESEARCH INSTI-
- 8 TUTE.
- 9 Section 1419A of the National Agricultural Research,
- 10 Extension, and Teaching Policy Act of 1977 (7 U.S.C.
- 11 3155) is amended by adding at the end the following:
- 12 "(e) Specialty Crops Policy Research Insti-
- 13 TUTE.—
- 14 "(1) ESTABLISHMENT.—The Food Agricultural
- 15 Policy Research Institute shall establish a satellite
- institute, called the Specialty Crops Policy Research
- 17 Institute, hereinafter referred to as the Institute, at
- 18 accredited research universities within States with
- significant specialty crop industries to fulfill the ob-
- jectives described in subsection (e)(3) of this section.
- 21 "(2) Management.—The Institute shall be co-
- ordinated and managed by an appointed university
- and will have the discretion to coordinate and facili-

1	tate the Institute's economic and policy research ac-
2	tivities and those of additional member universities
3	and institutions.
4	"(3) Institute objectives.—Consistent with
5	the provisions of subsections (a) and (c) of this sec-
6	tion, the Institute shall—
7	"(A) produce and disseminate analysis of
8	the specialty crop sector, including the impact
9	of changes in domestic and international mar-
10	kets, production, new product technologies,
11	web-based risk management tools, alternative
12	policies and macroeconomic conditions on spe-
13	cialty crop production, use, farm and retail
14	prices, and farm income and financial stability
15	from a national, regional, and farm-level per-
16	spective; and
17	"(B) produce and disseminate an annual
18	review of the economic state of the specialty
19	crop industry nationally, regionally, and by-
20	state.
21	"(4) Authorization of appropriation.—
22	There are authorized to be appropriated such sums
23	as are necessary in each fiscal year through 2012 to
24	carry out this section.".

Page 521, line 12, insert "section 103 of the Agricultural Research, Extension, and Education Reform Act of 1998" after "with".

Page 522, line 19, insert "note" after "1621".

Page 523, line 13, strike "and".

Page 523, after line 14, insert the following:

- 1 (G) policy and marketing; and
- 2 (H) specialty crop pollination;

Page 531, line 12, strike "and".

Page 531, line 14, strike the period and insert "; and".

Page 531, after line 14, insert the following:

- 3 (3) in subsection (c), by striking "such sums
- 4 may be used to pay" and all that follows through
- 5 "work.".

Page 531, strike lines 15 through 25.

Page 533, strike "1444 and".

Page 541, strike lines 11 through 17.

[FORESTRY TITLE]

Page 548, beginning line 4, strike subparagraph (E).

Page 549, beginning line 1, strike clause (viii) and insert the following new clause:

- 1 "(viii) A representative from a State 2 Technical Committee established under 3 section 1261 of the Food Security Act of 4 1985 (16 U.S.C. 3861).".
- Page 549, line 24, strike "sections 8005 and 8006" and insert "sections 8006 and 8007".

Page 551, line 14, strike "three" and insert "3".

Page 553, line 12, strike "\$17,000,000" and insert "\$10,000,000".

Page 557, after line 2, insert the following new subsection (and redesignate the subsequent subsection as subsection (d)):

- 5 (c) Definition of Hispanic-Serving Institu-
- 6 TION.—In this section, the term "Hispanic-serving institu-
- 7 tion" has the meaning given that term in section
- 8 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C.
- 9 1101a(a)(5)).

[ENERGY TITLE]

Page 564, after line 19 insert the following new paragraph:

1	(5) in paragraph (2)(B) of subsection (f) (as so
2	redesignated)—
3	(A) in clause (viii), by striking "and" at
4	the end;
5	(B) in clause ix, by striking "approaches."
6	and inserting "approaches; and"; and
7	(C) by adding at the end the following new
8	clause:
9	"(x) whether the impact the distribu-
10	tion of funds would have on existing manu-
11	facturing and other facilities that utilize
12	similar feedstocks would be minimal.".

Page 597, after line 25 insert the following new paragraph:

13 (E) by adding at the end the following new
14 paragraph:
15 "(8) RENEWAL OF CONTRACTS.—When consid16 ering the renewal of a contract under this section,
17 the Secretary shall review such contract to deter18 mine whether the production of bioenergy at the fa19 cility under contract is economically viable and re-

1	consider the need for the contract based on that de
2	termination.".
	In section 9002, strike subsection (d) and insert the
fe	ollowing new subsection:
3	(d) Authorization of Appropriations.—Para
4	graph (1) of section 9002(k) of the Farm Security and
5	Rural Investment Act of 2002 (7 U.S.C. 8102(k)) is
6	amended to read as follows:
7	"(1) Authorization of appropriations.—
8	"(A) FEDERAL PROCUREMENT.—There
9	are authorized to be appropriated \$1,000,000
10	for each of fiscal years 2008 through 2013 to
11	implement the provisions of this section other
12	than subsection (h).
13	"(B) Labeling.—There are authorized to
14	be appropriated \$1,000,000 for each of fisca
15	years 2008 through 2013 to implement sub-
16	section (h) of this section.".

In section 9002(f), strike paragraph (3).

Page 598, line 4, strike "Section" and insert:

17 (a) Western Insular Pacific Center.—Section 18 9011(d) is amended by adding at the end the following 19 new paragraph:

- "(6) Western insular pacific center at the University of
 Western insular pacific center at the University of
 Hawaii for the region of Alaska, Hawaii, Guam,
 American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the
 Republic of Palau.".
- 8 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
 Strike section 9014.

[HORTICULTURE TITLE]

Section 10102 is amended by adding at the end the following new subsection:

9 (e) DEFINITION OF STATE.—Section 3(2) of the Spe10 cialty Crops Competitiveness Act of 2004 (Public Law
11 108-465; 7 U.S.C. 1621 note) is amended by striking
12 "and the Commonwealth of Puerto Rico" and inserting
13 "the Commonwealth of Puerto Rico, Guam, American
14 Samoa, the United States Virgin Islands, and the Com15 monwealth of the Northern Mariana Islands".

In section 209(e)(2) of the Agricultural Marketing Act of 1946, as proposed to be added by section 10108 of the bill, strike "authorized" and insert "authorize".

In section 10201(j), strike "fo" and insert "of".

In section 7407(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5925c(b)), as amended by section 10302 of the bill, strike "of funds of the Commodity" and insert "of the funds of the Commodity".

In the heading of section 10404, strike "FARMERS' MARKET PROMOTION PROGRAM" and insert "FARMERS ER MARKETING ASSISTANCE PROGRAM".

Section 6(f)(1) of the Farmer-to-Consumer Direct Marketing Act of 1976, as added by section 10404 of the bill, is amended by striking "Secretary of Agriculture use" and inserting "Secretary of Agriculture shall use".

Section 6(f)(1)(A) of the Farmer-to-Consumer Direct Marketing Act of 1976, as added by section 10404 of the bill, is amended by striking "fiscals year" and inserting "fiscal years".

At the end of subtitle E of title X add the following new section:

- 1 SEC. ___. HEALTHY FOOD URBAN ENTERPRISE DEVELOP-
- 2 **MENT PROGRAM.**
- 3 (a) Purpose.—The purpose of this section is to sup-
- 4 port farm and ranch income by significantly enhancing a
- 5 producer's share of the final retail product price through
- 6 improved access to competitive processing and distribution
- 7 systems which deliver affordable, locally and regionally

1	produced foods to consumers, and improve food access in
2	underserved communities.
3	(b) DEFINITIONS.—In this section:
4	(1) ELIGIBLE ENTITY.—The term "eligible enti-
5	ty" includes—
6	(A) a small or midsized processor, dis-
7	tributor, wholesaler, or retail food outlet;
8	(B) a group of producers operating as a le-
9	gally recognized marketing alliance;
10	(C) a producer-owned cooperative;
11	(D) a nonprofit organization;
12	(E) an economic development or commu-
13	nity development corporation;
14	(F) a unit of State or local government;
15	and
16	(G) an academic institution.
17	(2) Indian tribe.—The term "Indian tribe"
18	has the meaning given the term in section 4 of the
19	Indian Self-Determination and Education Assistance
20	Act (25 U.S.C. 450b).
21	(3) Secretary.—The term "Secretary" means
22	the Secretary of Agriculture.
23	(4) Socially disadvantaged farmer or
24	RANCHER.—The term "socially disadvantaged farm-
25	er or rancher" has the meaning given the term in

1	section 355(e) of the Consolidated Farm and Rural
2	Development Act (7 U.S.C. 2003(e)).
3	(5) Underserved community.—The term
4	"underserved community" includes any community
5	that may have, as determined by the Secretary—
6	(A) limited access to affordable, healthy
7	foods, including fresh fruits and vegetables, in
8	grocery retail stores or farmer-to-consumer di-
9	rect markets;
10	(B) high incidences of diet-related diseases,
11	including obesity;
12	(C) high rates of hunger or food insecurity;
13	or
14	(D) severe or persistent poverty in urban
15	or rural communities, including Indian tribal
16	communities.
17	(c) Grant Program.—
18	(1) Establishment.—The Secretary, acting
19	through the head of the market services branch of
20	the Agricultural Marketing Service, shall establish a
21	program under which the Secretary shall provide
22	grants, on a competitive basis, to eligible entities to
23	conduct enterprise feasibility studies (including stud-
24	ies of consumer preference), in accordance with the
25	purpose of this section.

1	(2) APPLICATION.—To be eligible to receive a
2	grant under this subsection, an eligible entity shall
3	submit to the Secretary an application at such time,
4	in such manner, and containing such information as
5	the Secretary may require.
6	(3) COORDINATION WITH OTHER AGENCIES.—
7	In carrying out the program under this subsection,
8	the Secretary shall coordinate, with respect to the
9	development of the program and reviews of grant
10	applications, with—
11	(A) the Cooperative State Research, Edu-
12	cation, and Extension Service; and
13	(B) the Rural Business Cooperative Serv-
14	ice.
15	(4) Priority.—In providing grants under this
16	subsection, the Secretary shall give priority to appli-
17	cations with proposed projects that—
18	(A) include features effectively targeting
19	participation by socially disadvantaged farmers
20	or ranchers or beginning farmers or ranchers;
21	(B) increase employment opportunities in
22	underserved communities;
23	(C) support small and mid-sized farm via-
24	bility and increase farming opportunities; or

1	(D) establish and maintain satisfactory en-
2	vironmental and labor standards, including
3	worker protection.
4	(5) MAXIMUM AMOUNT.—The amount of a
5	grant provided under this subsection shall not exceed
6	\$250,000.
7	(6) TERM.—A grant provided under this sub-
8	section shall have a term of not more than 3 years.
9	(7) Reports.—
10	(A) IN GENERAL.—Each eligible entity
11	that receives a grant under this subsection shall
12	submit to the Secretary an annual report de-
13	scribing the results and progress of each feasi-
14	bility study to ensure sufficient progress is
15	achieved with respect to the goals of the
16	projects carried out by the eligible entity.
17	(B) Public availability.—The Secretary
18	shall ensure that any information contained in
19	a report under subparagraph (A) relating to
20	consumer preference or producer availability is
21	made available to the public.
22	(8) Funding.—There are authorized to be ap-
23	propriated such sums as are necessary for each of
24	fiscal years 2008 through 2012 to carry out this sec-
25	tion.

1	(d) Grant Program Requirements.—
2	(1) TECHNICAL ASSISTANCE AND OUTREACH.—
3	(A) IN GENERAL.—The Secretary shall—
4	(i) provide to the public information
5	relating to the grant programs under this
6	section; and
7	(ii) provide technical assistance to—
8	(I) socially disadvantaged farm-
9	ers or ranchers;
10	(II) Indian tribal organizations;
11	(III) low-income populations; and
12	(IV) other underserved commu-
13	nities and producers.
14	(B) Service providers.—In carrying out
15	subparagraph (A), the Secretary may enter into
16	contracts, on a competitive basis, with entities
17	that, as determined by the Secretary—
18	(i) demonstrate experience in serving
19	socially disadvantaged farmers or ranchers
20	and other underserved communities and
21	producers;
22	(ii) include, in the governance struc-
23	ture of the entity, 2 or more members rep-
24	resenting the targeted communities served
25	by the entity; and

1	(iii) will share information developed
2	or used by the entity with—
3	(I) researchers;
4	(II) practitioners; and
5	(III) other interested parties.
6	(2) LIMITATIONS.—For purposes of the pro-
7	grams under this section, the Secretary—
8	(A) shall not give preference to any entity
9	based on an agricultural commodity produced
10	or supported by the entity; and
11	(B) shall encourage, to the maximum ex-
12	tent practicable, projects that use infrastructure
13	efficiently for more than 1 agricultural product.
14	(3) Report.—Not less frequently than once
15	each year, the Secretary shall submit to Congress a
16	report that describes the programs (including the
17	level of participation in each program) under this
18	section, including information relating to—
19	(A) projects carried out under this section;
20	(B) characteristics of the agricultural pro-
21	ducers and communities served by the projects;
22	(C) the benefits of the projects;
23	(D) data necessary to comply with—

1	(i) section 2501A of the Food, Agri-
2	culture, Conservation, and Trade Act of
3	1990 (7 U.S.C. 2279–1); or
4	(ii) section 8(b)(5)(B) of the Soil Con-
5	servation and Domestic Allotment Act (16
6	U.S.C. $590h(b)(5)$; and
7	(E) outreach and technical assistance ac-
8	tivities carried out by the Secretary under para-
9	graph (1).

Strike section 10401.

[MISCELLANEOUS TITLE]

Strike section 11105.

Page 683, line 23, strike "production" and insert "production.".

Page 684, strike line 5 through page 685, line 9 and insert the following:

10	"(3) YIELD DETERMINATION BASED ON COUN-
11	TY ACTUAL PRODUCTION HISTORY.—If an agricul-
12	tural commodity ineligible for insurance as described
13	in paragraph (2) is planted for 4 years, beginning
14	with the fifth year in which the commodity is plant-
15	ed, the producer of the commodity may procure crop
16	insurance for the commodity under this title. The

1	yield for such crop insurance shall be determined
2	only—
3	"(A) by using the actual production history
4	for the farm; and
5	"(B) for each year in which the farm does
6	not have an actual production history, by using
7	the average actual production history for the
8	commodity in the county in which the farm is
9	located.".
	Page 685, line 20: strike "that" and insert "than".
	At the end of subtitle A of title XI (page 687, after
line	19), add the following new sections:
10 SE	C. 11013. NATIONAL DROUGHT COUNCIL AND DROUGHT
11	PREPAREDNESS PLANS.
12	(a) DEFINITIONS.—In this section:
13	(1) COUNCIL.—The term "Council" means the
14	National Drought Council established by this sec-
15	tion.

(2) CRITICAL SERVICE PROVIDER.—The term

"critical service provider" means an entity that pro-

vides power, water (including water provided by an

irrigation organization or facility), sewer services, or

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wastewater treatment.

1	(3) Drought.—The term "drought" means a
2	natural disaster that is caused by a deficiency in
3	precipitation—
4	(A) that may lead to a deficiency in sur-
5	face and subsurface water supplies (including
6	rivers, streams, wetlands, ground water, soil
7	moisture, reservoir supplies, lake levels, and
8	snow pack); and
9	(B) that causes or may cause—
10	(i) substantial economic or social im-
11	pacts; or
12	(ii) physical damage or injury to indi-
13	viduals, property, or the environment.
14	(4) Fund.—The term "Fund" means the
15	Drought Assistance Fund established by this section.
16	(5) Indian tribe.—The term "Indian tribe"
17	has the meaning given the term in section 4 of the
18	Indian Self-Determination and Education Assistance
19	Act (25 U.S.C. 450b).
20	(6) Interstate watershed.—The term
21	"interstate watershed" means a watershed that tran-
22	scends State or Tribal boundaries, or both.
23	(7) Member.—The term "member", with re-
24	spect to the National Drought Council, means a
25	member of the Council specified or appointed under

1	this section or, in the absence of the member, the
2	member's designee.
3	(8) MITIGATION.—The term "mitigation"
4	means a short- or long-term action, program, or pol-
5	icy that is implemented in advance of or during a
6	drought to minimize any risks and impacts of
7	drought.
8	(9) Neighboring country.—The term
9	"neighboring country" means Canada and Mexico.
10	(10) Office.—The term "Office" means the
11	National Office of Drought Preparedness established
12	under this section.
13	(11) Secretary.—The term "Secretary"
14	means the Secretary of Agriculture.
15	(12) STATE.—The term "State" means the sev-
16	eral States, the District of Columbia, American
17	Samoa, Guam, the Commonwealth of the Northern
18	Mariana Islands, the Commonwealth of Puerto Rico,
19	and the United States Virgin Islands.
20	(13) Trigger.—The term "trigger" means the
21	thresholds or criteria that must be satisfied before
22	mitigation or emergency assistance may be provided
23	to an area—
24	(A) in which drought is emerging; or
25	(B) that is experiencing a drought.

1	(14) Under Secretary.—The term "Under	
2	Secretary' means the Under Secretary of Agri-	
3	culture for Natural Resources and Environment.	
4	(15) Watershed.—The term "watershed"	
5	means a region or area with common hydrology, an	
6	area drained by a waterway that drains into a lake	
7	or reservoir, the total area above a given point on	
8	a stream that contributes water to the flow at that	
9	point, or the topographic dividing line from which	
10	surface streams flow in two different directions. In	
11	no case shall a watershed be larger than a river	
12	basin.	
13	(16) Watershed group.—The term "water-	
14	shed group" means a group of individuals, formally	
15	recognized by the appropriate State or States, who	
16	represent the broad scope of relevant interests with-	
17	in a watershed and who work together in a collabo-	
18	rative manner to jointly plan the management of the	
19	natural resources contained within the watershed.	
20	(b) Effect of Section.—This section does not af-	
21	fect—	
22	(1) the authority of a State to allocate quan-	
23	tities of water under the jurisdiction of the State; or	
24	(2) any State water rights established as of the	
25	date of enactment of this Act.	

1	(c) NATIONAL DROUGHT COUNCIL.—
2	(1) ESTABLISHMENT.—There is established in
3	the Office of the Secretary of Agriculture a council
4	to be known as the "National Drought Council".
5	(2) Membership.—
6	(A) Composition.—The Council shall be
7	composed of—
8	(i) the Secretary (or the designee of
9	the Secretary);
10	(ii) the Secretary of Commerce (or the
11	designee of the Secretary of Commerce);
12	(iii) the Secretary of the Army (or the
13	designee of the Secretary of the Army);
14	(iv) the Secretary of the Interior (or
15	the designee of the Secretary of the Inte-
16	rior);
17	(v) the Director of the Federal Emer-
18	gency Management Agency (or the des-
19	ignee of the Director);
20	(vi) the Administrator of the Environ-
21	mental Protection Agency (or the designee
22	of the Administrator);
23	(vii) 4 members appointed by the Sec-
24	retary, in coordination with the National
25	Governors Association, each of whom shall

1	be the Governor of a State (or the designee
2	of the Governor) and who collectively shall
3	represent the geographic diversity of the
4	Nation;
5	(viii) 1 member appointed by the Sec-
6	retary, in coordination with the National
7	Association of Counties;
8	(ix) 1 member appointed by the Sec-
9	retary, in coordination with the United
10	States Conference of Mayors;
11	(x) 1 member appointed by the Sec-
12	retary of the Interior, in coordination with
13	Indian tribes, to represent the interests of
14	tribal governments; and
15	(xi) 1 member appointed by the Sec-
16	retary, in coordination with the National
17	Association of Conservation Districts, to
18	represent local soil and water conservation
19	districts.
20	(B) DATE OF APPOINTMENT.—The ap-
21	pointment of each member of the Council shall
22	be made not later than 120 days after the date
23	of enactment of this Act.
24	(3) Term; vacancies.—

1	(A) TERM.—A non-Federal member of the
2	Council appointed under paragraph (2) shall be
3	appointed for a term of two years.
4	(B) VACANCIES.—A vacancy on the Coun-
5	cil—
6	(i) shall not affect the powers of the
7	Council; and
8	(ii) shall be filled in the same manner
9	as the original appointment was made.
10	(C) TERMS OF MEMBERS FILLING VACAN-
11	CIES.—Any member appointed to fill a vacancy
12	occurring before the expiration of the term for
13	which the member's predecessor was appointed
14	shall be appointed only for the remainder of
15	that term.
16	(4) Meetings.—
17	(A) IN GENERAL.—The Council shall meet
18	at the call of the co-chairs.
19	(B) Frequency.—The Council shall meet
20	at least semiannually.
21	(5) QUORUM.—A majority of the members of
22	the Council shall constitute a quorum, but a lesser
23	number may hold hearings or conduct other busi-
24	ness.
25	(6) COUNCIL LEADERSHIP.—

1	(A) IN GENERAL.—There shall be a Fed-
2	eral co-chair and non-Federal co-chair of the
3	Council.
4	(B) APPOINTMENT.—
5	(i) FEDERAL CO-CHAIR.—The Sec-
6	retary shall be Federal co-chair.
7	(ii) Non-federal co-chair.—The
8	non-Federal members of the Council shall
9	select, on a biannual basis, a non-Federal
10	co-chair of the Council from among the
11	members appointed under paragraph (2)
12	(7) Director of the office.—
13	(A) IN GENERAL.—The Director of the Of-
14	fice shall serve as Secretary of the Council.
15	(B) Duties.—The Director of the Office
16	shall serve the interests of all members of the
17	Council.
18	(d) Duties of the Council.—
19	(1) IN GENERAL.—The Council shall—
20	(A) not later than one year after the date
21	of the first meeting of the Council, develop a
22	comprehensive National Drought Policy Action
23	Plan that—
24	(i)(I) delineates and integrates re-
25	sponsibilities for activities relating to

1	drought (including drought preparedness,
2	mitigation, research, risk management,
3	training, and emergency relief) among
4	Federal agencies; and
5	(II) ensures that those activities are
6	coordinated with the activities of the
7	States, local governments, Indian tribes,
8	and neighboring countries;
9	(ii) is consistent with—
10	(I) this Act and other applicable
11	Federal laws; and
12	(II) the laws and policies of the
13	States for water management;
14	(iii) is integrated with drought man-
15	agement programs of the States, Indian
16	tribes, local governments, watershed
17	groups, and private entities; and
18	(iv) avoids duplicating Federal, State,
19	tribal, local, watershed, and private
20	drought preparedness and monitoring pro-
21	grams in existence on the date of enact-
22	ment of this Act;
23	(B) evaluate Federal drought-related pro-
24	grams in existence on the date of enactment of
25	this Act and make recommendations to Con-

1	gress and the President on means of elimi-
2	nating—
3	(i) discrepancies between the goals of
4	the programs and actual service delivery;
5	(ii) duplication among programs; and
6	(iii) any other circumstances that
7	interfere with the effective operation of the
8	programs;
9	(C) make recommendations to the Presi-
10	dent, Congress, and appropriate Federal Agen-
11	cies on—
12	(i) the establishment of common inter-
13	agency triggers for authorizing Federal
14	drought mitigation programs; and
15	(ii) improving the consistency and
16	fairness of assistance among Federal
17	drought relief programs;
18	(D) encourage and facilitate the develop-
19	ment of drought preparedness plans under sub-
20	title C, including establishing the guidelines
21	under this section;
22	(E) based on a review of drought prepared-
23	ness plans, develop and make available to the
24	public drought planning models to reduce water

1	resource conflicts relating to water conservation
2	and droughts;
3	(F) develop and coordinate public aware-
4	ness activities to provide the public with access
5	to understandable, and informative materials on
6	drought, including—
7	(i) explanations of the causes of
8	drought, the impacts of drought, and the
9	damages from drought;
10	(ii) descriptions of the value and bene-
11	fits of land stewardship to reduce the im-
12	pacts of drought and to protect the envi-
13	ronment;
14	(iii) clear instructions for appropriate
15	responses to drought, including water con-
16	servation, water reuse, and detection and
17	elimination of water leaks;
18	(iv) information on State and local
19	laws applicable to drought; and
20	(v) opportunities for assistance to re-
21	source-dependent businesses and industries
22	in times of drought; and
23	(G) establish operating procedures for the
24	Council.

1	(2) Consultation.—In carrying out this sub-
2	section, the Council shall consult with groups af-
3	fected by drought emergencies.
4	(3) Reports to congress.—
5	(A) ANNUAL REPORT.—
6	(i) In general.—Not later than one
7	year after the date of the first meeting of
8	the Council, and annually thereafter, the
9	Council shall submit to Congress a report
10	on the activities carried out under this sec-
11	tion.
12	(ii) Inclusions.—
13	(I) In GENERAL.—The annual
14	report shall include a summary of
15	drought preparedness plans.
16	(II) INITIAL REPORT.—The ini-
17	tial report submitted under subpara-
18	graph (A) shall include any rec-
19	ommendations of the Council.
20	(B) Final report.—Not later than seven
21	years after the date of enactment of this Act,
22	the Council shall submit to Congress a report
23	that recommends—
24	(i) amendments to this section; and

1	(ii) whether the Council should con-
2	tinue.
3	(e) Powers of the Council.—
4	(1) Hearings.—The Council may hold hear-
5	ings, meet and act at any time and place, take any
6	testimony and receive any evidence that the Council
7	considers advisable to carry out this section.
8	(2) Information from federal agencies.—
9	(A) IN GENERAL.—The Council may ob-
10	tain directly from any Federal agency any in-
11	formation that the Council considers necessary
12	to carry out this section.
13	(B) Provision of Information.—
14	(i) In general.—Except as provided
15	in clause (ii), on request of the Secretary
16	or the non-Federal co-chair of the Council,
17	the head of a Federal agency may provide
18	information to the Council.
19	(ii) LIMITATION.—The head of a Fed-
20	eral agency shall not provide any informa-
21	tion to the Council that the Federal agency
22	head determines the disclosure of which
23	may cause harm to national security inter-
24	ests.

1	(3) Postal services.—The Council may use
2	the United States mail in the same manner and
3	under the same conditions as other agencies of the
4	Federal Government.
5	(4) GIFTS.—The Council may accept, use, and
6	dispose of gifts or donations of services or property.
7	(f) COUNCIL PERSONNEL MATTERS.—
8	(1) Compensation of members.—
9	(A) Non-federal employees.—A mem-
10	ber of the Council who is not an officer or em-
11	ployee of the Federal Government shall serve
12	without compensation.
13	(B) Federal employees.—A member of
14	the Council who is an officer or employee of the
15	United States shall serve without compensation
16	in addition to the compensation received for
17	services of the member as an officer or em-
18	ployee of the Federal Government.
19	(2) Travel expenses.—A member of the
20	Council shall be allowed travel expenses at rates au-
21	thorized for an employee of an agency under sub-
22	chapter I of chapter 57 of title 5, United States
23	Code, while away from the home or regular place of
24	business of the member in the performance of the
25	duties of the Council.

1	(g) Termination of Council.—The Council shall
2	terminate at the end of the eighth fiscal year beginning
3	on or after the date of the enactment of this Act.
4	(h) National Office of Drought Prepared-
5	NESS.—
6	(1) Establishment.—The Secretary shall es-
7	tablish an office to be known as the "National Office
8	of Drought Preparedness" to provide assistance to
9	the Council.
10	(2) Director of the office.—
11	(A) APPOINTMENT.—
12	(i) In General.—The Under Sec-
13	retary shall appoint a Director of the Of-
14	fice under sections 3371 through 3375 of
15	title 5, United States Code.
16	(ii) QUALIFICATIONS.—The Director
17	of the Office shall be a person who has ex-
18	perience in—
19	(I) public administration; and
20	(II) drought mitigation or
21	drought management.
22	(B) Powers.—The Director of the Office
23	may hire such other additional personnel or
24	contract for services with other entities as nec-
25	essary to carry out the duties of the Office

1	(3) Detail of government employees.—
2	(A) IN GENERAL.—Except for the require-
3	ments of section 204, an employee of the Fed-
4	eral Government may be detailed to the Office
5	without reimbursement, unless the Secretary,
6	on the recommendation of the Director of the
7	Office, determines that reimbursement is appro-
8	priate.
9	(B) CIVIL SERVICE STATUS.—The detail of
10	an employee shall be without interruption or
11	loss of civil service status or privilege.
12	(i) DROUGHT ASSISTANCE FUND.—
13	(1) ESTABLISHMENT.—There is established
14	within the Department of Agriculture a fund to be
15	known as the "Drought Assistance Fund".
16	(2) Purpose.—The Fund shall be used to pay
17	the costs of—
18	(A) providing technical and financial as-
19	sistance (including grants and cooperative as-
20	sistance) to States, Indian tribes, local govern-
21	ments, watershed groups, and critical service
22	providers for the development and implementa-
23	tion of drought preparedness plans;
24	(B) providing to States, Indian tribes, local
25	governments, watershed groups, and critical

1	service providers the Federal share, as deter-
2	mined by the Secretary, in consultation with the
3	other members of the Council, of the cost of
4	mitigating the overall risk and impacts of
5	droughts;
6	(C) assisting States, Indian tribes, local
7	governments, watershed groups, and critical
8	service providers in the development of mitiga-
9	tion measures to address environmental, eco-
10	nomic, and human health and safety issues re-
11	lating to drought; and
12	(D) expanding the technology transfer of
13	drought and water conservation strategies and
14	innovative water supply techniques.
15	(3) GUIDELINES.—
16	(A) IN GENERAL.—The Secretary, in con-
17	sultation with the non-Federal co-chair of the
18	Council and with the concurrence of the Coun-
19	cil, shall develop and promulgate guidelines to
20	implement this subsection.
21	(B) REQUIREMENTS.—The guidelines shall
22	address the following:
23	(i) Ensure the distribution of amounts
24	from the Fund within a reasonable period
25	of time.

1	(ii) Take into consideration regional
2	differences.
3	(iii) Take into consideration all im-
4	pacts of drought in a balanced manner.
5	(iv) Prohibit the use of amounts from
6	the Fund for Federal salaries that are not
7	directly related to the provision of drought
8	assistance.
9	(v) Require that distribution of
10	amounts from the Fund granted to States,
11	local governments, watershed groups, and
12	critical service providers to meet the re-
13	quirements of this subsection be coordi-
14	nated with and managed by the State in
15	which such local government or critical
16	service provider is located, consistent with
17	the drought preparedness priorities and
18	relevant water management plans within
19	the State.
20	(vi) Require that distribution of
21	amounts from the Fund granted to Indian
22	tribes to meet the requirements of this
23	subsection be used to implement plans that
24	are, to the extent practicable, in coordina-
25	tion with each State in which lands of the

1	Indian tribe are located and consistent
2	with existing drought preparedness and
3	water management plans of such States.
4	(vii) Require that a State, Indian
5	tribe, local government, watershed group,
6	or critical service provider that receives
7	Federal funds under paragraph (2) or (3)
8	of subsection (b) cover not less than 25
9	percent of the overall cost incurred in car-
10	rying out the project for which the Federal
11	funds are provided. This cost sharing re-
12	quirement may be satisfied using non-Fed-
13	eral grants or cash donations made by
14	non-Federal third parties.
15	(4) Special requirement for interstate
16	WATERSHEDS.—
17	(A) DEVELOPMENT OF DROUGHT PRE-
18	PAREDNESS PLANS.—In order to receive funds
19	under this subsection to develop drought pre-
20	paredness plans for interstate watersheds, the
21	guidelines shall also require the relevant States,
22	Indian tribes, or both, in which the watershed
23	is located, to coordinate in the development of
24	the drought preparedness plan. The develop-
25	ment of such plans shall—

1	(i) be consistent with the relevant
2	States' and Tribal water laws, policies, and
3	agreements;
4	(ii) be consistent and coordinated with
5	any existing interstate stream compacts;
6	(iii) include the participation of any
7	relevant watershed groups located in the
8	relevant States, Indian tribes, or both; and
9	(iv) recognize that implementation of
10	the interstate drought preparedness plan
11	will involve further coordination among the
12	relevant States, Indian tribes, or both, ex-
13	cept that each State and Indian tribe has
14	sole jurisdiction over implementation of
15	that portion of the watershed that exists
16	within their boundaries.
17	(B) Implementation of drought pre-
18	PAREDNESS PLANS.—In order to receive funds
19	under this subsection to implement drought
20	preparedness plans for interstate watersheds,
21	the guidelines shall also require, to the extent
22	practicable, the relevant States, Indian tribes,
23	or both, in which the watershed is located, to
24	coordinate in the implementation of the drought
25	preparedness plan, recognizing the sovereignty

1	of the States and Indian tribes. Implementation
2	of interstate drought preparedness plans
3	shall—
4	(i) be contingent upon the existence of
5	a drought preparedness plan, but not re-
6	quire the distribution of funds to all States
7	and Indian tribes in which the watershed is
8	located;
9	(ii) consider the level of impact within
10	the watershed on each of the relevant
11	States, Indian tribes, or both; and
12	(iii) not impede on State water rights
13	established as of the date of enactment of
14	this Act.
15	(j) Drought Preparedness Plans.—
16	(1) IN GENERAL.—The Secretary shall—
17	(A) with the concurrence of the Council,
18	jointly develop guidelines for administering a
19	national program to provide technical and fi-
20	nancial assistance to States, Indian tribes, local
21	governments, watershed groups, and critical
22	service providers for the development, mainte-
23	nance, and implementation of drought pre-
24	paredness plans; and

1	(B) promulgate the guidelines developed
2	under subparagraph (A).
3	(2) Requirements.—To build on the experi-
4	ence and avoid duplication of efforts of Federal,
5	State, local, tribal, and regional drought plans in ex-
6	istence on the date of enactment of this Act, the
7	guidelines may recognize and incorporate those
8	plans.
9	(3) Federal plans.—
10	(A) In General.—The Secretary and
11	other appropriate Federal agency heads shall
12	develop and implement Federal drought pre-
13	paredness plans for agencies under the jurisdic-
14	tion of the appropriate Federal agency head.
15	(B) REQUIREMENTS.—The Federal
16	plans—
17	(i) shall be integrated with each other;
18	(ii) may be included as components of
19	other Federal planning requirements;
20	(iii) shall be integrated with drought
21	preparedness plans of State, tribal, and
22	local governments that are affected by
23	Federal projects and programs; and

1	(iv) shall be completed not later than
2	two years after the date of the enactment
3	of this Act.
4	(4) STATE AND TRIBAL PLANS.—States and In-
5	dian tribes may develop and implement State and
6	tribal drought preparedness plans that—
7	(A) address monitoring of resource condi-
8	tions that are related to drought;
9	(B) identify areas that are at a high risk
10	for drought;
11	(C) describes mitigation strategies to ad-
12	dress and reduce the vulnerability of an area to
13	drought; and
14	(D) are integrated with State, tribal, and
15	local water plans in existence on the date of en-
16	actment of this Act.
17	(5) REGIONAL AND LOCAL PLANS.—Local gov-
18	ernments, watershed groups, and regional water pro-
19	viders may develop and implement drought pre-
20	paredness plans that—
21	(A) address monitoring of resource condi-
22	tions that are related to drought;
23	(B) identify areas that are at a high risk
24	for drought;

1	(C) describe mitigation strategies to ad-
2	dress and reduce the vulnerability of an area to
3	drought; and
4	(D) are integrated with corresponding
5	State plans.
6	(6) Plan elements.—A drought preparedness
7	plan—
8	(A) shall be consistent with Federal and
9	State laws, contracts, and policies;
10	(B) shall allow each State to continue to
11	manage water and wildlife in the State;
12	(C) shall address the health, safety, and
13	economic interests of those persons directly af-
14	fected by drought;
15	(D) shall address the economic impact on
16	resource-dependent businesses and industries,
17	including regional tourism;
18	(E) may include—
19	(i) provisions for water management
20	strategies to be used during various
21	drought or water shortage thresholds, con-
22	sistent with State water law;
23	(ii) provisions to address key issues
24	relating to drought (including public
25	health, safety, economic factors, and envi-

1	ronmental issues such as water quality,
2	water quantity, protection of threatened
3	and endangered species, and fire manage-
4	ment);
5	(iii) provisions that allow for public
6	participation in the development, adoption,
7	and implementation of drought plans;
8	(iv) provisions for periodic drought ex-
9	ercises, revisions, and updates;
10	(v) a hydrologic characterization study
11	to determine how water is being used dur-
12	ing times of normal water supply avail-
13	ability to anticipate the types of drought
14	mitigation actions that would most effec-
15	tively improve water management during a
16	drought;
17	(vi) drought triggers;
18	(vii) specific implementation actions
19	for droughts;
20	(viii) a water shortage allocation plan,
21	consistent with State water law; and
22	(ix) comprehensive insurance and fi-
23	nancial strategies to manage the risks and
24	financial impacts of droughts; and
25	(F) shall take into consideration—

1	(i) the financial impact of the plan on
2	the ability of the utilities to ensure rate
3	stability and revenue stream; and
4	(ii) economic impacts from water
5	shortages.
6	(k) AUTHORIZATION OF APPROPRIATIONS.—
7	(1) COUNCIL.—There is authorized to be appro-
8	priated to carry out the activities of the Council
9	\$2,000,000 for fiscal year 2008 and for each of the
10	subsequent seven fiscal years.
11	(2) Fund.—There are authorized to be appro-
12	priated to the Fund such sums as are necessary to
13	carry out subsection (i).
13 14	carry out subsection (i). $ \begin{tabular}{ll} \bf SEC. 11014. \ PAYMENT \ OF \ PORTION \ OF \ PREMIUM \ FOR \ AREA \end{tabular} $
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14	SEC. 11014. PAYMENT OF PORTION OF PREMIUM FOR AREA
14 15	SEC. 11014. PAYMENT OF PORTION OF PREMIUM FOR AREA REVENUE PLANS.
14 15 16	SEC. 11014. PAYMENT OF PORTION OF PREMIUM FOR AREA REVENUE PLANS. Section 508(e) of the Federal Crop Insurance Act (7)
14 15 16 17	SEC. 11014. PAYMENT OF PORTION OF PREMIUM FOR AREA REVENUE PLANS. Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended—
14 15 16 17	SEC. 11014. PAYMENT OF PORTION OF PREMIUM FOR AREA REVENUE PLANS. Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended— (1) in paragraph (2), in the matter preceding
14 15 16 17 18	SEC. 11014. PAYMENT OF PORTION OF PREMIUM FOR AREA REVENUE PLANS. Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended— (1) in paragraph (2), in the matter preceding subparagraph (A), by striking "paragraph (4)" and
14 15 16 17 18 19 20	SEC. 11014. PAYMENT OF PORTION OF PREMIUM FOR AREA REVENUE PLANS. Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended— (1) in paragraph (2), in the matter preceding subparagraph (A), by striking "paragraph (4)" and inserting "paragraphs (4), (6), and (7)"; and
14 15 16 17 18 19 20	SEC. 11014. PAYMENT OF PORTION OF PREMIUM FOR AREA REVENUE PLANS. Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended— (1) in paragraph (2), in the matter preceding subparagraph (A), by striking "paragraph (4)" and inserting "paragraphs (4), (6), and (7)"; and (2) by adding at the end the following:

1	a reduction in revenue in an area, the amount of the
2	premium paid by the Corporation shall be as follows:
3	"(A) In the case of additional area cov-
4	erage equal to or greater than 70 percent, but
5	less than 75 percent, of the recorded county
6	yield indemnified at not greater than 100 per-
7	cent of the expected market price, the amount
8	shall be equal to the sum of—
9	"(i) 59 percent of the amount of the
10	premium established under subsection
11	(d)(2)(B)(i) for the coverage level selected;
12	and
13	"(ii) the amount determined under
14	subsection (d)(2)(B)(ii) for the coverage
15	level selected to cover operating and ad-
16	ministrative expenses.
17	"(B) In the case of additional area cov-
18	erage equal to or greater than 75 percent, but
19	less than 85 percent, of the recorded county
20	yield indemnified at not greater than 100 per-
21	cent of the expected market price, the amount
22	shall be equal to the sum of—
23	"(i) 55 percent of the amount of the
24	premium established under subsection

1	(d)(2)(B)(i) for the coverage level selected;
2	and
3	"(ii) the amount determined under
4	subsection (d)(2)(B)(ii) for the coverage
5	level selected to cover operating and ad-
6	ministrative expenses.
7	"(C) In the case of additional area cov-
8	erage equal to or greater than 85 percent, but
9	less than 90 percent, of the recorded county
10	yield indemnified at not greater than 100 per-
11	cent of the expected market price, the amount
12	shall be equal to the sum of—
13	"(i) 49 percent of the amount of the
14	premium established under subsection
15	(d)(2)(B)(i) for the coverage level selected;
16	and
17	"(ii) the amount determined under
18	subsection (d)(2)(B)(ii) for the coverage
19	level selected to cover operating and ad-
20	ministrative expenses.
21	"(D) In the case of additional area cov-
22	erage equal to or greater than 90 percent of the
23	recorded county yield indemnified at not greater
24	than 100 percent of the expected market price,
25	the amount shall be equal to the sum of—

1	"(i) 44 percent of the amount of the
2	premium established under subsection
3	(d)(2)(B)(i) for the coverage level selected;
4	and
5	"(ii) the amount determined under
6	subsection (d)(2)(B)(ii) for the coverage
7	level selected to cover operating and ad-
8	ministrative expenses.
9	"(7) Premium subsidy for area yield
10	PLANS.—Subject to paragraph (4), in the case of a
11	policy or plan of insurance that covers losses due to
12	a loss of yield or prevented planting in an area, the
13	amount of the premium paid by the Corporation
14	shall be as follows:
15	"(A) In the case of additional area cov-
16	erage equal to or greater than 70 percent, but
17	less than 80 percent, of the recorded county
18	yield indemnified at not greater than 100 per-
19	cent of the expected market price, the amount
20	shall be equal to the sum of—
21	"(i) 59 percent of the amount of the
22	premium established under subsection
23	(d)(2)(B)(i) for the coverage level selected;
24	and

1	"(ii) the amount determined under
2	subsection (d)(2)(B)(ii) for the coverage
3	level selected to cover operating and ad-
4	ministrative expenses.
5	"(B) In the case of additional area cov-
6	erage equal to or greater than 80 percent, but
7	less than 90 percent, of the recorded county
8	yield indemnified at not greater than 100 per-
9	cent of the expected market price, the amount
10	shall be equal to the sum of—
11	"(i) 55 percent of the amount of the
12	premium established under subsection
13	(d)(2)(B)(i) for the coverage level selected;
14	and
15	"(ii) the amount determined under
16	subsection (d)(2)(B)(ii) for the coverage
17	level selected to cover operating and ad-
18	ministrative expenses.
19	"(C) In the case of additional area cov-
20	erage equal to or greater than 90 percent, of
21	the recorded county yield indemnified at not
22	greater than 100 percent of the expected mar-
23	ket price, the amount shall be equal to the sum
24	o f

1	"(i) 51 percent of the amount of the
2	premium established under subsection
3	(d)(2)(B)(i) for the coverage level selected;
4	and
5	"(ii) the amount determined under
6	subsection (d)(2)(B)(ii) for the coverage
7	level selected to cover operating and ad-
8	ministrative expenses.".
	Page 715 strike lines 13 through 25 and insert the

Page 715, strike lines 13 through 25 and insert the following:

9	"(A) UNITED STATES COUNTRY OF ORI-
10	GIN.—A retailer of a covered commodity that is
11	beef, lamb, pork, or goat may designate the cov-
12	ered commodity as exclusively having a United
13	States country of origin only if the covered
14	commodity is derived from an animal that
15	was—
16	"(i) exclusively born, raised, and
17	slaughtered in the United States;
18	"(ii) born and raised in Alaska or Ha-
19	waii and transported for a period of not
20	more than 60 days through Canada to the
21	United States and slaughtered in the
22	United States; or

1	"(iii) present in the United States on
2	or before January 1, 2008.".
	Page 718, strike lines 16 through 22 and insert the
foll	owing:
3	"(4) Designation of Country of Origin
4	FOR PERISHABLE AGRICULTURAL COMMODITIES AND
5	PEANUTS.—
6	"(A) IN GENERAL.—A retailer of a covered
7	commodity that is a perishable agricultural
8	commodity or peanut may designate the covered
9	commodity as having a United States country
10	of origin only if the covered commodity is exclu-
11	sively produced in the United States.
12	"(B) STATE, REGION, LOCALITY OF THE
13	UNITED STATES.—With respect to a covered
14	commodity that is a perishable agricultural
15	commodity produced exclusively in the United
16	States, designation by a retailer of the State,
17	region, or locality of the United States where
18	such commodity was produced shall be suffi-
19	cient to identify the United States as the coun-
20	try of origin."; and

Page 720, strike line 23 and all that follows through page 721, line 9.

Page 724, line 11, strike "farmers and rancher" and insert "farmers and ranchers".

Page 725, beginning line 8, strike clause (ii) regarding matching funds.

Page 727, beginning line 8, strike subsection (b).

Page 733, line 22, strike "and".

Page 734, line 2, strike the period and insert "; and".

Page 734, after line 2, insert the following:

- 1 (3) the coordination of the outreach activities
- 2 among the various agencies within the Department.
- 3 (e) Report.—After the relocation described in this
- 4 section is completed, the Secretary shall submit to Con-
- 5 gress a report that includes information describing the
- 6 new location of the program.

Page 734, line 23, strike "and".

Page 735, line 2, strike the period and insert "; and".

Page 735, beginning line 2, insert the following new paragraph:

1	(7) review ongoing efforts toward outreach in
2	the agencies and programs of the Department.
	Redesignate sections 11308, 11309, and 11310 as ections 11307, 11308, and 11309, respectively. Page 739, line 24, strike "teach" and insert "each". At the end of title XI, add the following new sectors:
3	SEC. 11310. SENSE OF CONGRESS REGARDING FOOD
4	DESERTS, GEOGRAPHICALLY ISOLATED
5	NEIGHBORHOODS AND COMMUNITIES WITH
6	LIMITED OR NO ACCESS TO MAJOR CHAIN
7	GROCERY STORES.
8	It is the sense of Congress that the Secretary of Agri-
9	culture, in conjunction with the National Institutes of
10	Health, the Centers for Disease Control, the Institute of
11	Medicine and faith-based organizations, should—
12	(1) conduct a national assessment of food
13	deserts in the United States, namely those geo-
14	graphically isolated neighborhoods and communities
15	with limited or no access to major-chain grocery
16	stores; and
17	(2) develop recommendations for eliminating

18

food deserts.

1	SEC. 11311. PIGFORD CLAIMS.
2	(a) In General.—Any Pigford claimant who has not
3	previously obtained a determination on the merits of a
4	Pigford claim may, in a civil action, obtain that determina-
5	tion.
6	(b) LIMITATION.—Notwithstanding any other provi-
7	sion of law—
8	(1) All payments or debt relief (including any
9	limitation on foreclosure under subsection (f)) made
10	pursuant to an action commenced under subsection
11	(a) shall be made exclusively from funds made avail-
12	able pursuant to subsection (h), Provided that the
13	total amount of payments and debt relief pursuant
14	to an action commenced under subsection (a) shall
15	not exceed \$100,000,000; and,
16	(2) In no event may such payments or debt re-
17	lief be made from the Judgement Fund established
18	by 31 U.S.C. 1304.
19	(c) Intent of Congress as to Remedial Nature
20	OF SECTION.—It is the intent of Congress that this sec-
21	tion be liberally construed so as to effectuate its remedial
22	purpose of giving a full determination on the merits for
23	each Pigford claim denied that determination.
24	(d) Loan Data.—
25	(1) REPORT TO PERSON SUBMITTING PETI-
26	TION—Not later than 60 days after the Secretary

1	of Agriculture receives notice of a complaint filed by
2	a claimant under subsection (a), the Secretary shall
3	provide to the claimant a report on farm credit loans
4	made within the claimant's county or adjacent coun-
5	ty by the Department during the period beginning
6	on January 1 of the year preceding the year or years
7	covered by the complaint and ending on December
8	31 of year following such year or years. Such report
9	shall contain information on all persons whose appli-
10	cation for a loan was accepted, including—
11	(A) the race of the applicant;
12	(B) the date of application;
13	(C) the date of the loan decision;
14	(D) the location of the office making the
15	loan decision; and
16	(E) all data relevant to the process of de-
17	ciding on the loan.
18	(2) No personally identifiable informa-
19	TION.—The reports provided pursuant to paragraph
20	(1) shall not contain any information that would
21	identify any person that applied for a loan from the
22	Department of Agriculture.
23	(e) Expedited Resolutions Authorized.—Any
24	person filing a complaint under this Act for discrimination
25	in the application for, or making or servicing of, a farm

1	loan, at his or her discretion, may seek liquidated damages
2	of \$50,000, discharge of the debt that was incurred under,
3	or affected by, the discrimination that is the subject of
4	the person's complaint, and a tax payment in the amount
5	equal to 25 percent of the liquidated damages and loan
6	principal discharged, in which case—
7	(1) if only such damages, debt discharge, and
8	tax payment are sought, the complainant shall be
9	able to prove his or her case by substantial evidence;
10	and
11	(2) the court shall decide the case based on a
12	review of documents submitted by the complainant
13	and defendant relevant to the issues of liability and
14	damages.
15	(f) Limitation on Foreclosures.—The Secretary
16	of Agriculture may not begin acceleration on or foreclosure
17	of a loan if a borrower is a Pigford claimant and, in an
18	appropriate administrative proceeding, makes a prima
19	facie case that the foreclosure is related to a Pigford
20	claim.
21	(g) DEFINITIONS.—In this Act—
22	(1) the term "Pigford claimant" means an indi-
23	vidual who previously submitted a late-filing request
24	under section 5(g) of the consent decree in the case
25	of Pigford v. Glickman, approved by the United

1	States District Court for the District of Columbia on
2	April 14, 1999; and
3	(2) the term "Pigford claim" means a discrimi-
4	nation complaint, as defined by section 1(h) of that
5	consent decree and documented under section 5(b)
6	of that consent decree.
7	(h) Funding.—Of the funds of the Commodity Cred-
8	it Corporation, the Secretary shall make available
9	\$100,000,000 for fiscal year 2008, to remain available
10	until expended, for payments and debt relief in satisfac-
11	tion of claims against the United States under subsection
12	(a), and for any actions made pursuant to subsection (f).
13	SEC. 11312. COMPTROLLER GENERAL STUDY OF WASTE-
14	WATER INFRASTRUCTURE NEAR UNITED
15	STATES-MEXICO BORDER.
16	The Comptroller General shall conduct a study of the
17	state of wastewater infrastructure in rural communities
18	within 150 miles of the United States-Mexico border to
19	determine what the Federal Government can do to assist
20	border rural communities in bringing wastewater infra-
21	structure up to date.

Amendment to H.R. 2419, as Reported Offered by \mathbf{M} .

Page 189, line 8, strike "1,000,000" and insert "1,340,000".

Strike section 3005 (relating to McGovern-Dole International Food for Education and Child Nutrition Program) and insert the following:

1	SEC. 3005. REAUTHORIZATION OF MCGOVERN-DOLE INTER-
2	NATIONAL FOOD FOR EDUCATION AND
3	CHILD NUTRITION PROGRAM.
4	(a) Administration of Program.—Section 3107
5	of the Farm Security and Rural Investment Act of 2002
6	(7 U.S.C. 17360-1) is amended—
7	(1) in subsection (d), in the matter preceding
8	paragraph (1), by striking "The President shall des-
9	ignate 1 or more Federal agencies to" and inserting
10	"The Secretary shall";
11	(2) in subsection $(f)(2)$, in the matter preceding
12	subparagraph (A), by striking "implementing agen-
13	cy" and inserting "Secretary"; and

1	(3) in subsections $(c)(2)(B)$, $(f)(1)$, $(h)(1)$ and
2	(2), and (i), by striking "President" each place it
3	appears and inserting "Secretary".
4	(b) Funding.—Section 3107(l) of the Farm Security
5	and Rural Investment Act of 2002 (7 U.S.C. 1736o-1(l))
6	is amended—
7	(1) by striking paragraphs (1) and (2) and in-
8	serting the following:
9	"(1) Use of commodity credit corporation
10	FUNDS.—Of the funds of the Commodity Credit
11	Corporation, the Secretary shall use to carry out this
12	section—
13	"(A) \$0 for fiscal year 2008;
14	"(B) \$140,000,000 for fiscal year 2009;
15	"(C) \$170,000,000 for fiscal year 2010;
16	"(D) $$230,000,000$ for fiscal year 2011;
17	"(E) $$300,000,000$ for fiscal year 2012;
18	and
19	"(F) \$0 for fiscal year 2013.";
20	(2) by redesignating paragraph (3) as para-
21	graph (2); and
22	(3) in paragraph (2) (as redesignated by para-
23	graph (2)), by striking "any Federal agency imple-
24	menting or assisting" and inserting "the Depart-

1	ment of Agriculture or any other Federal agency as	-
2	sisting".	

Strike section 11001.

At the end of subtitle A of title XI add the following new section:

3	SEC. 1101 SHARE OF RISK.
4	(a) In General.—Section 508(k)(3) of the Federal
5	Crop Insurance Act (7 U.S.C. 1508(k)(3)) is amended—
6	(1) by striking "require the" and inserting "re-
7	quire—
8	"(A) the";
9	(2) by striking the period at the end and insert-
10	ing "; and; and
11	(3) by adding at the end the following:
12	"(B)(i) the cumulative underwriting gain
13	or loss, and the associated premium and losses
14	with such amount, calculated under any rein-
15	surance agreement (except livestock) ceded to
16	the Corporation by each approved insurance
17	provider to be not less than 12.5 percent; and
18	"(ii) the Corporation to pay a ceding com-
19	mission to reinsured companies of 2 percent of
20	the premium used to define the loss ratio for

1	the approved insurance provider's book of busi-
2	ness that is described in clause (i).".
3	(b) Conforming Amendments.—Section 516(a)(2)
4	of the Federal Crop Insurance Act (7 U.S.C. 1516(a)(2))
5	is amended by adding at the end the following new sub-
6	paragraph:
7	"(E) Costs associated with the ceding com-
8	missions described in section 508(k)(3)(B)(ii)."
9	(c) Effective Date.—This section shall take effect
10	on the first June 30th after the date of the enactment
11	of this Act.
	At the end of title XI add the following new section:
12	SEC. 113 ELIMINATION OF STATUTE OF LIMITATIONS
13	APPLICABLE TO COLLECTION OF DEBT BY
14	ADMINISTRATIVE OFFSET.
15	(a) Elimination.—Section 3716(e) of title 31,
16	United States Code, is amended to read as follows:
17	"(e)(1) Notwithstanding any other provision of law,
18	regulation, or administrative limitation, no limitation on
19	the period within which an offset may be initiated or taken
20	pursuant to this section shall be effective.
21	"(2) This section does not apply when a statute ex-
22	plicitly prohibits using administrative offset or setoff to

23 collect the claim or type of claim involved.".

1	(b) APPLICATION OF AMENDMENT.—The amendment
2	made by subsection (a) shall apply to any debt outstanding
3	on or after the date of the enactment of this Act.
	At the end of the bill add the following new title:
4	TITLE XII—ADDITIONAL
5	OFFSETS
6	Subtitle A—Conservation of Re-
7	sources Fees and Repeal of Roy-
8	alty Relief
9	SEC. 12001. CONSERVATION OF RESOURCES FEES.
10	(a) Conservation of Resources Fees.—
11	(1) In general.—Not later than 60 days after
12	the date of enactment of this Act, the Secretary of
13	the Interior by regulation shall establish a conserva-
14	tion of resources fee for producing Federal oil and
15	gas leases in the Gulf of Mexico.
16	(2) FEE TERMS.—The fee under paragraph
17	(1)—
18	(A) subject to subparagraph (C), shall
19	apply to covered leases that are producing
20	leases;
21	(B) shall be set at \$9 per barrel for oil and
22	\$1.25 per million Btu for gas, respectively, in
23	2005 dollars: and

1	(C) shall apply only to production of oil or
2	gas occurring—
3	(i) in any calendar year in which the
4	arithmetic average of the daily closing
5	prices for light sweet crude oil on the New
6	York Mercantile Exchange (NYMEX) ex-
7	ceeds \$34.73 per barrel for oil and \$4.34
8	per million Btu for gas in 2005 dollars;
9	and
10	(ii) on or after October 1, 2006.
11	(3) Treatment of receipts.—Amounts re-
12	ceived by the United States as fees under this sub-
13	section shall be treated as offsetting receipts.
14	(b) COVERED LEASE DEFINED.—In this section the
15	term "covered lease" means a lease for oil or gas produc-
16	tion in the Gulf of Mexico that is—
17	(1) in existence on the date of enactment of this
18	Act;
19	(2) issued by the Department of the Interior
20	under section 304 of the Outer Continental Shelf
21	Deep Water Royalty Relief Act (43 U.S.C. 1337
22	note; Public Law 104–58); and
23	(3) not subject to limitations on royalty relief
24	based on market price that are equal to or less than
25	the price thresholds described in clauses (v) through

1	(vii) of section 8(a)(3)(C) of the Outer Continental
2	Shelf Lands Act $(43 \text{ U.S.C. } 1337(a)(3)(C)).$
3	SEC. 12002. REPEAL OF CERTAIN TAXPAYER SUBSIDIZED
4	ROYALTY RELIEF FOR THE OIL AND GAS IN-
5	DUSTRY.
6	(a) Repeal of Provisions of Energy Policy Act
7	of 2005.—The following provisions of the Energy Policy
8	Act of 2005 (Public Law 109–58) are repealed:
9	(1) Section 344 (42 U.S.C. 15904; relating to
10	incentives for natural gas production from deep wells
11	in shallow waters of the Gulf of Mexico).
12	(2) Section 345 (42 U.S.C. 15905; relating to
13	royalty relief for deep water production in the Gulf
14	of Mexico).
15	(3) Subsection (i) of section 365 (42 U.S.C.
16	15924; relating to the prohibition on drilling-related
17	permit application cost recovery fees).
18	(b) Provisions Relating to Planning Areas
19	Offshore Alaska.—Section 8(a)(3)(B) of the Outer
20	Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(B))
21	is amended by striking "and in the Planning Areas off-
22	shore Alaska'' after "West longitude".
23	(e) Provisions Relating to Naval Petroleum
24	RESERVE IN ALASKA.—Section 107 of the Naval Petro-
25	leum Reserves Production Act of 1976 (as transferred, re-

1	designated, moved, and amended by section 347 of the En-
2	ergy Policy Act of 2005 (119 Stat. 704)) is amended—
3	(1) in subsection (i) by striking paragraphs (2)
4	through (6); and
5	(2) by striking subsection (k).
6	SEC. 12003. TIME FOR PAYMENT OF CORPORATE ESTI-
7	MATED TAXES.
8	Subparagraph (B) of section 401(1) of the Tax In-
9	crease Prevention and Reconciliation Act of 2005 is
10	amended by striking "114.50 percent" and inserting
11	"115.75 percent".
12	Subtitle B—Allocation of Offsets
13	SEC. 12011. REPORT ON FUNDS; RATE OF FEDERAL CROP
14	INSURANCE.
15	(a) Report.—Not later than the September 15 pre-
16	ceding each fiscal year, the Secretary of the Interior shall
17	report to the Secretary of Agriculture the total amount
18	expected to be received in the fiscal year as a result of
19	the changes in subtitle A.
20	(b) RATE.— Notwithstanding section
21	508(k)(4)(A)(ii) of the Federal Crop Insurance Act (7
22	U.S.C. 1508(k)(4)(A)(ii)), the reimbursement rate estab-
23	lished for each of the reinsurance years 2012 through
24	2017 shall be the lesser of—
25	(1) the rate established in such section; and

J	(2) the product of—
2	(A) the rate established in such section;
3	and
4	(B) the factor calculated in subsection (c).
4	(c) CALCULATION.—In carrying out subsection (b),
(the Secretary of the Interior shall calculate the appro-
-	priate factor by dividing the amount calculated under sub-
8	section (a) for the fiscal year by the amount calculated
(under subsection (a) for fiscal year 2012.

¹⁰ Page 667, line 16, strike "2" and insert "2.9".